

# Order

Michigan Supreme Court  
Lansing, Michigan

November 3, 2006

Clifford W. Taylor,  
Chief Justice

128622

Michael F. Cavanagh  
Elizabeth A. Weaver  
Marilyn Kelly  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman,  
Justices

AMERIGO PALARCHIO, as Conservator  
and Guardian of LINDA PALARCHIO,  
a legally incapacitated person,  
Plaintiff-Appellee,

v

SC: 128622  
COA: 258992  
Wayne CC: 02-238086-NF

AUTOMOBILE CLUB INSURANCE  
ASSOCIATION,  
Defendant-Appellant.

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By order of September 21, 2005, the application for leave to appeal the March 24, 2005 judgment of the Court of Appeals was held in abeyance pending the decision in *Cameron v Auto Club Ins Ass'n* (Docket No. 127018). On order of the Court, the case having been decided on July 28, 2006, 476 Mich 55 (2006), the application is again considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we VACATE the Court of Appeals judgment and the Wayne Circuit Court's order granting the plaintiff's motion for partial summary disposition, and REMAND this case to the Wayne Circuit Court for further proceedings consistent with this Court's decisions in *Cameron, supra*, and *Devillers v Auto Club Ins Ass'n*, 473 Mich 562 (2005).

WEAVER, J., dissents and states as follows:

I would grant leave to appeal in this case to reconsider *Cameron v Auto Club Ins Ass'n*, 476 Mich 55 (2006), and *Devillers v Auto Club Ins Ass'n*, 473 Mich 562 (2005).

CAVANAGH and KELLY, JJ., join the statement of WEAVER, J.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

November 3, 2006

*Corbin R. Davis*

Clerk