

Order

Michigan Supreme Court
Lansing, Michigan

September 26, 2007

Clifford W. Taylor,
Chief Justice

134277

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

JAMES FRYE,
Plaintiff-Appellant,

v

SC: 134277
COA: 276834
Wayne CC: 02-239279-NO

CONSOLIDATED RAIL CORPORATION, a/k/a
CONRAIL, and NORFOLK SOUTHERN
RAILWAY CORPORATION,
Defendants-Appellees.

On order of the Court, the application for leave to appeal the March 29, 2007 order of the Court of Appeals is considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we REVERSE the order of the Court of Appeals and we REMAND this case to the Court of Appeals for the consideration of the plaintiff's issues as an appeal of right. The plaintiff timely filed his motion for rehearing or reconsideration of the trial court's December 19, 2006 summary disposition order within the time provided in the trial court's order of January 8, 2007, and the plaintiff then timely filed his claim of appeal within 21 days of the trial court's February 22, 2007 order denying his motion for rehearing or reconsideration. MCR 7.204(A)(1)(b).



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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.

September 26, 2007

Corbin R. Davis

Clerk