

# Order

Michigan Supreme Court  
Lansing, Michigan

May 8, 2009

Marilyn Kelly,  
Chief Justice

137608

Michael F. Cavanagh  
Elizabeth A. Weaver  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman  
Diane M. Hathaway,  
Justices

RONNIE L. MYERS and MARY MYERS,  
Plaintiffs-Appellants,

v

SC: 137608  
COA: 277542  
Genesee CC: 04-079144-NP

MUFFLER MAN SUPPLY COMPANY,  
Defendant,  
Cross-Plaintiff-Appellee,

and

NEVADA EQUIPMENT LIQUIDATING, f/k/a  
NEVADA EQUIPMENT, INC., MICHIGAN  
TRACTOR MACHINERY COMPANY, d/b/a  
MICHIGAN CAT AGGREGATE DIVISION,  
CULVER CONSTRUCTION, INC., f/k/a  
CULVER CONSULTING, INC.,  
Defendants,

and

POWER SCREEN USA, L.L.C., d/b/a  
SIMPLICITY ENGINEERING, INC., D & L  
EQUIPMENT, INC., and SUBLET  
CONTRACTORS, INC.,  
Defendants, Cross-Defendants.

---

On order of the Court, the application for leave to appeal the September 23, 2008 judgment of the Court of Appeals is considered. We direct the Clerk to schedule oral argument on whether to grant the application or take other preemptory action. MCR 7.302(G)(1). At oral argument, the parties shall address whether defendant Muffler Man Supply Company's alleged negligent act of removing the machine guard was a proximate cause of the injury to plaintiff Ronnie Myers. The parties may file supplemental briefs within 56 days of the date of this order, but they should not submit mere restatements of their application papers.



0505

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.

May 8, 2009

*Corbin R. Davis*

Clerk