

# Order

Michigan Supreme Court  
Lansing, Michigan

June 10, 2009

Marilyn Kelly,  
Chief Justice

138743 & (14)

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

RODNEY HANNA,  
Plaintiff-Appellee,

v

SC: 138743  
COA: 289513  
Wayne CC: 07-732805-NH

DARIO MERLOS, DDS,  
Defendant-Appellant.

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On order of the Court, motion for immediate consideration is GRANTED. The application for leave to appeal the March 16, 2009 order of the Court of Appeals is considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we REMAND this case to the Court of Appeals for consideration as on leave granted. See *Scarsella v Pollack*, 461 Mich 547, 549 (2000). We further ORDER that the trial court proceedings are stayed pending the completion of this appeal. On motion of a party or on its own motion, the Court of Appeals may modify, set aside, or place conditions on the stay if it appears that the appeal is not being vigorously prosecuted or if other appropriate grounds appear.



p0610

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.

June 10, 2009

*Corbin R. Davis*

Clerk