

Order

Michigan Supreme Court
Lansing, Michigan

November 6, 2009

Marilyn Kelly,
Chief Justice

138991

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

SHIRLEY POWELL,
Plaintiff-Appellant,

v

SC: 138991
COA: 282436
Berrien CC: 2006-003254-NO

SAVE-A-LOT,
Defendant-Appellee.

On order of the Court, the application for leave to appeal the April 21, 2009 judgment of the Court of Appeals is considered, and it is DENIED, because we are not persuaded that the question presented should be reviewed by this Court.

KELLY, C.J., would grant leave to appeal.

MARKMAN, J. (*dissenting*).

I would grant leave to appeal to address inconsistent approaches in Michigan case-law concerning the treatment of so-called “black ice” cases. This is a matter that warrants the clear direction of the highest court of this State (latitude 41.9N°-- 48.0N°).



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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 6, 2009

Corbin R. Davis

Clerk