

Order

Michigan Supreme Court
Lansing, Michigan

April 9, 2010

Marilyn Kelly,
Chief Justice

139767

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

LINDA KAYL,
Plaintiff-Appellant,

v

SC: 139767
COA: 284752
Wayne CC: 06-612437-NI

ALLSTATE INSURANCE COMPANY,
Defendant-Appellee,

and

AAA MICHIGAN,
Defendant.

On order of the Court, the application for leave to appeal the June 30, 2009 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we REVERSE the judgment of the Court of Appeals. Although we do not interpret defense counsel's remarks at the summary disposition hearing in the same manner indicated in the Court of Appeals dissenting opinion, the transcript of plaintiff's deposition that the defendant filed in support of its motion for summary disposition contradicted defense counsel's claim that the plaintiff had submitted no billings to the defendant, and supported the claim of the plaintiff's counsel that such billings had been submitted to the defendant, thereby establishing the existence of a genuine issue of material fact. We REMAND this case to the Wayne Circuit Court for further proceedings.

We do not retain jurisdiction.



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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.

April 9, 2010

Corbin R. Davis

Clerk