

# Order

Michigan Supreme Court  
Lansing, Michigan

October 26, 2010

Marilyn Kelly,  
Chief Justice

138815 & (51)

TAMMY JOHNSON, Guardian of NANCY  
EASTMAN, a Legally Incapacitated Person,  
Plaintiff-Appellant,

v

SC: 138815  
COA: 281624  
Genesee CC: 06-084203-NF

Michael F. Cavanagh  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman  
Diane M. Hathaway  
Alton Thomas Davis,  
Justices

WAUSAU INSURANCE COMPANY and  
NATIONWIDE INDEMNITY, INC.,  
Defendants-Appellees,  
and

LIBERTY MUTUAL INSURANCE  
COMPANY and ASSIGNED CLAIMS  
FACILITY,  
Defendants.

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On order of the Court, the application for leave to appeal the March 24, 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 VACATE the judgment of the Court of Appeals and the October 11, 2007 order of the Genesee Circuit Court and we REMAND this case to the Genesee Circuit Court for reconsideration in light of *Univ of Mich Regents v Titan Ins Co*, 487 Mich \_\_\_ (2010) (Docket No. 136905). The motion for miscellaneous relief is GRANTED.

CORRIGAN, J. (*concurring*).

I continue to adhere to the analyses set forth in Justice MARKMAN's dissenting opinion in *Univ of Mich Regents v Titan Ins Co*, 487 Mich \_\_\_ (2010), and my statement dissenting from the denial of rehearing in that case, \_\_\_ Mich \_\_\_ (2010) (October 15, 2010).

YOUNG, J. (*concurring*).

Although I concur in this Court's decision to remand this case in light of *Univ of Mich Regents v Titan Ins Co*, 487 Mich \_\_\_ (2010), I continue to adhere to the positions stated in Justice MARKMAN's dissenting opinion in that case, which I joined.



p1018

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.

October 26, 2010

*Corbin R. Davis*

Clerk