

Order

Michigan Supreme Court
Lansing, Michigan

November 19, 2010

Marilyn Kelly,
Chief Justice

140618

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

KATHRYN HADDEN,
Plaintiff-Appellee,

v

SC: 140618
COA: 286474
Genesee CC: 07-087100-NO

McDERMITT APARTMENTS, LLC,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the January 12, 2010 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

MARKMAN, J. (*dissenting*).

The instant dispute—whether a landlord has breached his obligation to keep common areas "fit for the use intended by the parties," MCL 554.139(1)(a)—is governed by *Allison v AEW Capital Mgmt*, 481 Mich 419 (2008). I would grant leave to appeal to determine whether there are reasonable grounds, as the Court of Appeals found, for distinguishing *Allison* in this case.

CORRIGAN and YOUNG, JJ., join the statement of MARKMAN, J.



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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 19, 2010

Corbin R. Davis

Clerk