

# Order

Michigan Supreme Court  
Lansing, Michigan

April 1, 2011

Robert P. Young, Jr.,  
Chief Justice

141510(46)

Michael F. Cavanagh  
Marilyn Kelly  
Stephen J. Markman  
Diane M. Hathaway  
Mary Beth Kelly  
Brian K. Zahra,  
Justices

CYNTHIA C. RUZAK,  
Plaintiff-Appellee,

v

SC: 141510  
COA: 288053  
Grand Traverse CC: 06-025177-NI

USAA INSURANCE AGENCY, INC.,  
Defendant-Appellant,  
and

JAY D. RUZAK,  
Defendant.

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On order of the Court, the motion for reconsideration of this Court's November 19, 2010 order is considered, and it is GRANTED. We VACATE our order dated November 19, 2010. On reconsideration, the application for leave to appeal the April 27, 2010 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 that part of the judgment of the Court of Appeals holding that the "law of the case" doctrine prohibited the panel from considering the defendant's arguments regarding the renewal rule. Although the Court of Appeals panel that initially considered the case in 2008 remanded for the Grand Traverse Circuit Court to make factual determinations dating back to the insurance policy purchased by the plaintiff in the late 1960s, the panel did not expressly address the defendant's arguments that: (a) the renewal rule does not apply when a new insurance policy is issued pursuant to an insured's move to a new state; and (b) the renewal rule does not apply where the last change in the insurance policy did not produce a decrease in coverage, but an increase. We REMAND this case to the Court of Appeals for consideration of the defendant's arguments in this regard. In all other respects, leave to appeal is DENIED, because we are not persuaded that the remaining question presented should now be reviewed by this Court.

We do not retain jurisdiction.

ZAHRA, J., did not participate because he was on the Court of Appeals panel.



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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 1, 2011

*Corbin R. Davis*

Clerk