

Order

Michigan Supreme Court
Lansing, Michigan

November 23, 2011

143647

DALE R. CLANCY,
Plaintiff-Appellee,

v

MILLENNIUM PAINTING COMPANY and
LIBERTY MUTUAL INSURANCE COMPANY,
Defendants-Appellants,
and

BASIC PAINTING, INC., and ACCIDENT
FUND INSURANCE COMPANY OF
AMERICA; RCO ENGINEERING, INC., and
SAFECO INSURANCE COMPANY OF
AMERICA; and SJS, d/b/a MILLENNIUM
INDUSTRIAL SERVICES,
Defendants-Appellees.

SC: 143647
COA: 300926
WCAC: 07-000190

Robert P. Young, Jr.,
Chief Justice

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

On order of the Court, the application for leave to appeal the July 19, 2011 order 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 portion of the decision of the Workers' Compensation Appellate Commission (WCAC) finding Millennium Painting Company and Liberty Mutual Insurance Company liable for payment of benefits for the reasons stated in the WCAC dissenting opinion, and we REMAND this case to the Michigan Compensation Appellate Commission, as successor to the Workers' Compensation Appellate Commission, for entry of an order requiring payment of the plaintiff's benefits from RCO Engineering, Inc., and Safeco Insurance Company of America based on a July 28, 2001 date of injury. In all other respects, leave to appeal is DENIED, because we are not persuaded that the remaining question presented should be reviewed by this Court.



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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 23, 2011

Corbin R. Davis

Clerk