

Order

Michigan Supreme Court
Lansing, Michigan

December 7, 2012

Robert P. Young, Jr.,
Chief Justice

145445

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

ERIKA CUMMINGS,
Plaintiff-Appellee,

v

SC: 145445
COA: 303386
Genesee CC: 09-092707-NO

SETH LEWIS,
Defendant-Appellant,
and

ROGELIO GERARDO VILLARREAL and
CITY OF FLINT,
Defendants.

On order of the Court, the application for leave to appeal the July 3, 2012 judgment of the Court of Appeals is considered. We direct the Clerk to schedule oral argument on whether to grant the application or take other action. MCR 7.302(H)(1). At oral argument, the parties shall address whether: (1) the plaintiff's no contest plea to resisting arrest bars her remaining claims pursuant to *Heck v Humphrey*, 512 US 477, 487 (1994); (2) accepting the plaintiff's version of events, defendant Seth Lewis nevertheless acted reasonably, as a matter of law, under all of the circumstances; and (3) the defendant is entitled to governmental immunity for the plaintiff's remaining claims. The parties may file supplemental briefs within 42 days of the date of this order.



t1204

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.

December 7, 2012

Corbin R. Davis

Clerk