

Order

Michigan Supreme Court
Lansing, Michigan

March 27, 2013

Robert P. Young, Jr.,
Chief Justice

140150

Michael F. Cavanagh
Stephen J. Markman
Mary Beth Kelly
Brian K. Zahra
Bridget M. McCormack
David F. Viviano,
Justices

JACOB TRAKHTENBERG,
Plaintiff-Appellant,

v

SC: 140150
COA: 285247
Oakland CC: 2008-088401-NM

DEBORAH H. McKELVY,
Defendant-Appellee.

By order of April 27, 2010, the application for leave to appeal the October 27, 2009 judgment of the Court of Appeals was held in abeyance pending the decision in *People v Trakhtenberg* (Docket Nos. 138875, after remand 143386). On order of the Court, the case having been decided on December 21, 2012, 493 Mich 38 (2012), the application is again considered. In *People v Trakhtenberg*, this Court held that Trakhtenberg was deprived of his right to the effective assistance of counsel. Given this, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we REVERSE the Oakland Circuit Court's ruling that the defendant was entitled to summary disposition of the plaintiff's legal malpractice claim on a collateral estoppel theory. We further VACATE the judgment of the Court of Appeals and we REMAND this case to the Court of Appeals for reconsideration in light of our decision in *People v Trakhtenberg*.

We do not retain jurisdiction.



s0320

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.

March 27, 2013

Corbin R. Davis

Clerk