

# Order

Michigan Supreme Court  
Lansing, Michigan

June 5, 2013

Robert P. Young, Jr.,  
Chief Justice

145052 & (92)

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

MILLER-DAVIS COMPANY,  
Plaintiff-Appellant,

v

SC: 145052  
COA: 284037  
Kalamazoo CC: 05-000199-CK

AHRENS CONSTRUCTION, INC.,  
Defendant-Appellee,

and

MERCHANTS BONDING COMPANY,  
Defendant.

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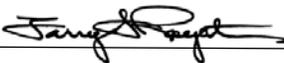
On order of the Court, the motion for leave to file brief amicus curiae is GRANTED. The application for leave to appeal the March 22, 2012 judgment of the Court of Appeals is considered, and it is GRANTED, limited to the issues: (1) whether the indemnification clause in the plaintiff's contract with defendant Ahrens applies to this case; (2) if so, whether the plaintiff's action for breach of that provision was barred by the statute of limitations, MCL 600.5807(8); and (3) whether the plaintiff adequately proved that any breach of the indemnification clause caused its damages, including the issue whether the trial court clearly erred in concluding that defendant Ahrens' performance of nonconforming work caused the natatorium moisture problem.



h0529

I, Larry S. Royster, 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.

June 5, 2013

  
Clerk