

Order

Michigan Supreme Court
Lansing, Michigan

November 3, 2005

Clifford W. Taylor,
Chief Justice

126393

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

MARIE DEAN, Personal Representative
of the Estates of TALEIGHA MARIE
DEAN, Deceased, AARON JOHN DEAN,
Deceased, CRAIG LOGAN DEAN, Deceased,
and EUGENE SYLVESTER,
Plaintiff-Appellee,

v

SC: 126393
COA: 244627
Oakland CC: 01-029844-NO

JEFFREY CHILDS,
Defendant-Appellant,

and

CHARTER TOWNSHIP OF ROYAL OAK,
Defendant.

On October 18, 2005, the Court heard oral argument on the application for leave to appeal the May 13, 2004 judgment of the Court of Appeals. On order of the Court, the application for leave to appeal is again considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, for the reasons stated by dissenting Court of Appeals Judge Griffin, we REVERSE in part the Court of Appeals judgment and REMAND this case to the Oakland Circuit Court for entry of an order granting defendant Childs' motion for summary disposition of plaintiff's state law claims.

We do not retain jurisdiction.

CAVANAGH, J., dissents from this Court's preemptory reversal order and would grant leave to appeal.

KELLY, J., would grant leave to appeal.



s1031

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 3, 2005

Corbin R. Davis

Clerk