

MSC Order List: May 4, 2011

[5. May 2011](#) By Layla Kuhl

The Michigan Supreme Court denied 4 applications and directed the clerk to schedule oral argument on whether to grant the application or take other action in *Whitmore v Charlevoix County Road Commission*.

In *Whitmore v Charlevoix County Road Commission*, the trial court denied defendant's motion for summary disposition based on governmental immunity, concluding that the highway exception to governmental immunity applied. The trial court, however, subsequently granted partial summary disposition for defendant of plaintiff's claim concerning failure to inspect the highway and the previous repair work. Both parties appealed. The Court of Appeals affirmed both orders. The Michigan Supreme Court now directs the parties to address whether defendant "knew, or in the exercise of reasonable diligence should have known, of the existence of the defect" that rendered the roadway not "reasonably safe and convenient for public travel."