

MSC Order: Beattie v. Mickalich

14. July 2010 By Julie Lam

On July 13, 2010, the Michigan Supreme Court issued an order in *Beattie v. Mickalich*, SC No. 139438. In lieu of granting leave to appeal, the Michigan Supreme Court reversed the judgment of the Court of Appeals and remanded the case to the trial court for further proceedings. The Michigan Supreme Court stated that a plaintiff is not required to plead a claim in avoidance of the limitations on liability provided in the Equine Activity Liability Act (EALA), MCL § 691.1663 *et seq.* The Michigan Supreme Court further stated that although EALA abolished strict liability for horse owners, it did not abolish negligence actions against horse owners. Justice Markman, joined by Chief Justice Kelly, wrote a separate statement concurring in the Court's order and responding to the dissent. The dissent, in a statement authored by Justice Young, and joined by Justices Weaver and Corrigan, opined that the EALA only allows a negligence claim when it involves a negligent act or omission beyond the inherently risky equine activity, making the activity even more dangerous. We previously discussed the Court of Appeals opinion [here](#).