

MSC Order List: March 24, 2010

25. March 2010

On Wednesday, March 24, 2010, the Michigan Supreme Court denied eight applications for leave to appeal, denied one motion for reconsideration, and ordered oral argument on the application for leave to appeal in *Janson v. Sajewski Funeral Home, Inc.*, No. 140071. The Court also took substantive action in two criminal and two civil cases which are discussed after the jump.

Additionally, in lieu of granting leave to appeal the Court remanded the matter of *In the Matter of Rashid Abdullah*, No. 139586, back to the Wayne County Circuit Court Juvenile Division. The Court directed the trial court judge to articulate on the record the statutory provision under which Mr. Abdullah was adjudicated delinquent. A copy of the Court's order can be found [here](#).

The Court also remanded the case of *People v. Hairston*, No. 139845, to the Court of Appeals for consideration as on leave granted. The Court of Appeals originally denied defendant's application for leave to appeal on September 11, 2009. The Court's order is [here](#).

In *Singer v. Sreenivasan*, No. 139799, the Court granted leave to consider three issues. First, the Court will determine whether the Court of Appeals erred when it upheld the trial court's award of reasonable attorney fees based on an hourly rate higher than the rate defendants were actually charged, as part of the case evaluation sanctions awarded to defendants under MCR 2.403(O)(6). The Court will also decide whether the Court of Appeals erred in holding that the reference to "costs" in the second sentence of MCR 2.403(O)(1) relates to the "actual costs" that is referenced in the first sentence of that subrule and which is defined in MCR 2.403(O)(6)(b) as including a reasonable attorney fee. The Court also will rule on whether, in light of the analysis of the second issue, that the plaintiff was entitled to costs under MCR 2.625. The Court's order is [here](#).

Finally, in *Estate of Mira Abay v. DaimlerChrysler Insurance Co.*, No. 139725, the Court granted leave to consider two issues in this declaratory action. First, the Court will determine whether the automobile insurance policy issued by DaimlerChrysler Insurance Company is ambiguous regarding whether a family member of the named insured is covered under the policy. The Court will also consider whether this insurance policy violates any provision of the Michigan No-Fault Act. The Court also granted leave to file briefs amicus curiae to Allstate Insurance Company and Auto Club Insurance Association. A copy of the Court's order can be found [here](#).