

MSC Order List: June 3, 2010

4. June 2010 By Aaron Lindstrom

Yesterday, the Michigan Supreme Court granted the application for leave to appeal in *Yvletel-Rivard v. Rivard*, No. 140065, and directed the parties to address three questions:

1. Whether MCL § 600.5078(1) and (3) contemplate no more than two arbitrations awards (the initial written award and any modified award following a motion to correct errors and omissions);
2. Whether MCL § 600.5078(3) does not permit the filing of more than one motion to correct errors and omission; and
3. Whether the defendant's motion to vacate the award was untimely.

The Court also asked the parties in *Brown v. Taubman Co.*, No. 140385, to address whether indicia of a potentially slippery condition are sufficient to make so-called "black ice" open and obvious.

The Court also peremptorily reversed three Court of Appeals decisions in lieu of granting the application for leave to appeal and denied 10 applications for leave to appeal. The peremptory reversals are discussed after the jump.

First, in *People v. Deshone*, No. 140558, the Michigan Supreme Court reversed in part the judgment of the Court of Appeals and concluded that the lower court erred in holding that the defendant was prejudiced by the admission of a tape-recorded conversation between a detective and the defendant's sister. The admission of the tape was harmless error, the Supreme Court concluded, because other evidence showed that the defendant had admitted his guilt to family members. Chief Justice Kelly would have denied leave to appeal.

Second, in *Griffin v. Lake County*, No. 140400, the Court reversed and remanded, concluding that reporting a "suspected violation of a law" was a protected activity under the Whistleblowers Protect Act. Chief Justice Kelly would have granted leave to appeal, rather than deciding the case based on the application.

Third, in *Helms v. Lemieux*, No. 140382, the Court concluded that the Court of Appeals erred in its interpretation of an annuity policy and accordingly reversed.