

## MSC Order List: April 1, 2011

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[2. April 2011](#) By Matthew Nelson

The Michigan Supreme Court took substantive action in two cases, dismissed two cases on the stipulation of the parties, and denied leave to appeal in one case.

In *Williams v. City of Detroit*, the Court granted reconsideration of its earlier decision denying leave to appeal and ordered the case be set for argument on the application. The Court of Appeals [ruled](#) that the definition of "highway" for the purposes of the highway exception to government immunity includes a path or "riverwalk" that does not run along a roadway and reversed summary disposition in favor of the City of Detroit.

In *Ruzak v. USAA Insurance Agency, Inc.*, the Court unanimously reversed the Court of Appeals' decision and remanded the case to that court to determine whether the renewal rule applies to override the limits on coverage for other members of the insured's household. The Court specifically reversed the Court of Appeals' decision that an earlier decision of the same court was law of the case.

In *Ruzak*, the plaintiff was injured when her husband drove their vehicle into a tree. Their auto-insurance policy limited coverage for bodily injury to other members of an insured's family living in the insured's household to \$20,000. The trial court initially held the provision to be unconscionable. The Court of Appeals reversed but remanded for a determination of whether the "renewal rule" applied because policy was altered upon renewal without notice to the insured. The trial court decided the renewal rule applied, and USAA appealed for a second time. The Court of Appeals [concluded](#) that its earlier decision required the application of the renewal rule and was law of the case. The Michigan Supreme Court initially [denied](#) leave to appeal with Justices Corrigan, Markman, and Young dissenting. The April 1 order arose after USAA sought reconsideration.