

## MSC Order List: April 6, 2011

[7. April 2011](#) By Aaron Lindstrom

Yesterday, the Michigan Supreme Court denied leave to appeal in nine cases, with Justices Cavanagh, Marilyn Kelly, and Hathaway indicating that they would have granted leave to appeal in four of the denied cases. The Court also held one criminal case in abeyance pending its decisions in *People v. Pullen*, No. 142751, and *People v. Watkins*, No. 142031, which we discussed in a [previous post](#). And the Court, in lieu of granting leave to appeal, took substantive action in three cases.

In *USAA v. Michigan Catastrophic Claims Association*, the Court vacated the Court of Appeals' judgment affirming the trial court and reinstated the trial court's grant of summary judgment in favor of the defendant. While both the trial court and the Court of Appeals agreed that MCAA did not need to reimburse USAA for costs associated with a car accident that occurred in Florida, they grounded their decisions on different reasoning. The trial court concluded that USAA was not entitled to reimbursement because it did not pay a premium to MCAA on the vehicle, while the Court of Appeals concluded the statute did not apply because the vehicle did not need to be registered in Michigan (see our [prior post](#)). The Supreme Court's order reinstates the trial court's reasoning.

In *Dubuc v. El-Magrabi*, the Court reversed the Court of Appeals' conclusion that the defendants were motivated by a legitimate business interest and remanded for a jury determination on that factual question. *Dubuc* involved a tortious-interference-with-contract claim that arose when the plaintiff, an employee of Ford Motor Company, was terminated and disqualified from receiving disability and medical insurance benefits based on an examination by the defendant doctor. In a divided, unpublished opinion, the Court of Appeals had concluded that the doctor (and the medical examining company he worked for) was not liable for tortious interference for his conduct of stopping the medical exam and making statements in his medical report because he was motivated by legitimate business interests, which the [Court of Appeals' majority](#) said the plaintiff's complaint acknowledged. [Judge Shapiro dissented](#) in the Court of Appeals; he thought the question whether the defendant had a legitimate business interest should be put to the jury, because the report contained false statements and there was no legitimate business interest in making false statements in a medical report.

And in *People v. Darr*, the Court vacated the Court of Appeals' order denying leave to appeal, reversed the circuit court's order that denied the defendant's appellate counsel's motion to withdraw (based on an undisclosed conflict of interest), and remanded for the appointment of new appellate counsel.