

## MSC Order List: April 7, 2010

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8. April 2010

On Wednesday, April 7, 2010, the Michigan Supreme Court denied nine applications for leave to appeal, directed the Emmet County Prosecuting Attorney to answer the application for leave to appeal in the case of *People v. Hoag*, Case No. 141079, and ordered oral argument on the application for leave to appeal in *Harvath v. Johnson*, Case Nos. 139996 and 139997. The Court also took substantive action in one criminal and three civil cases which are discussed after the jump.

In *People v. Merriman*, Case No. 140070, in lieu of granting leave to appeal, the Court remanded the case to the Court of Appeals for consideration as on leave granted. The Court of Appeals originally denied the defendant's delayed application for leave to appeal on October 6, 2009. The Court's order is [here](#).

Additionally, in lieu of granting leave to appeal, the Court remanded the matter of *Vinson v. ABN Amro Mortgage Group, Inc.*, Case No. 140001, to the Court of Appeals. The Court of Appeals originally denied the plaintiff-appellant's delayed application for leave to appeal on October 5, 2009. The Court's order can be found [here](#).

The Court also remanded the case of *Engelhardt v. St. John Health Systems*, Case No. 139832, to the Court of Appeals for consideration as on leave granted. The Court of Appeals originally denied defendants-appellants' application for leave to appeal on September 9, 2009. The Court's order is [here](#).

In *State Farm Mutual Automobile Ins. Co. v. Hudson*, Case No. 137698, the Court reversed the October 7, 2008 judgment of the Court of Appeals and remanded the case to the 36<sup>th</sup> District Court with directions to grant the defendant's motion to set aside the default and the default judgment. The Court held that the district court had abused its discretion in allowing substituted service where the plaintiff had failed to demonstrate it had conducted a "diligent inquiry" to discover the defendant's present address, as required by MCR 2.105(I)(2). Because the defendant was not properly served and did not appear in court, the Court held that the district court lacked jurisdiction over him. Therefore, the Court determined that the defendant had met the standard necessary to set aside the default under MCR 2.603(D)(1). A copy of the Court's order is [here](#).