

Court of Appeals, State of Michigan

ORDER

Brian E Deneau v Lisa Renee Haag

Docket No. 351562

LC No. 18-006066-NI

Kirsten Frank Kelly
Presiding Judge

Michael J. Riordan

Thomas C. Cameron
Judges

The Court orders that the motion to file an untimely answer is GRANTED.

Pursuant to MCR 7.205(E)(2), in lieu of granting the application for leave to appeal, the Lenawee Circuit Court’s August 27, 2019 order granting summary disposition to defendants Lisa Renee Haag and Mark E. Haag is PEREMPTORILY REVERSED and this matter is REMANDED for further proceedings consistent with this order. On this record, there are genuine issues of material fact precluding summary disposition under MCR 2.116(C)(10). See *Sweet v Ringwelski*, 362 Mich 138, 142-145; 106 NW2d 742 (1961); *Guina v Harrod*, 275 Mich 393, 395; 266 NW 393 (1936). Moreover, the trial court’s duty analysis failed to recognize that as a motorist proceeding through a school zone minutes after school was dismissed, with school buses and numerous children admittedly visible near the roadway, Lisa Haag owed a heightened duty of care. See *Gilson v Bronkhorst*, 353 Mich 148, 151; 90 NW2d 701 (1958) (holding that the minor plaintiff had an “undoubted right to rely on fair performance of the defendant’s duty to enter and proceed through this school zone—especially considering the time of day—at reduced speed and with increased vigilance.”).

In all other respects, the application for leave to appeal is DENIED for failure to persuade the Court of the need for immediate appellate review.

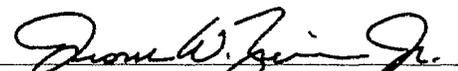
This order is to have immediate effect. MCR 7.215(F)(2). We do not retain jurisdiction.




A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

MAR 11 2020

Date


Chief Clerk