

Order

Michigan Supreme Court
Lansing, Michigan

November 15, 2019

Bridget M. McCormack,
Chief Justice

158563

David F. Viviano,
Chief Justice Pro Tem

RYAN MENARD, by his conservator,
SHELLY MENARD,
Plaintiff-Appellant,

Stephen J. Markman
Brian K. Zahra
Richard H. Bernstein
Elizabeth T. Clement
Megan K. Cavanagh,
Justices

v

SC: 158563
COA: 336220
Macomb CC: 2014-003145-NI

TERRY R. IMIG and SHARRYL ANN
EVERSON,
Defendants,

and

MACOMB COUNTY DEPARTMENT OF
ROADS and COUNTY OF MACOMB,
Defendants-Appellees.

On November 7, 2019, the Court heard oral argument on the application for leave to appeal the September 6, 2018 judgment of the Court of Appeals. On order of the Court, the application is again considered and, pursuant to MCR 7.305(H)(1), in lieu of granting leave to appeal, we REVERSE the judgment of the Court of Appeals. As noted by Judge METER in his dissent, when viewed in a light most favorable to the plaintiff, the “plaintiff presented sufficient evidence that the defective road was a proximate cause of” the injuries in this case. *Menard v Imig*, unpublished per curiam opinion of the Court of Appeals, issued September 6, 2018 (Docket No. 336220) (METER, J., dissenting), p 1. Specifically, there is evidence that the defective road was more than the “condition or occasion affording opportunity for the other event to produce the injury”; rather, it “put in motion the agency by which the injuries [were] inflicted . . .” *Singerman v Muni Serv Bureau, Inc*, 455 Mich 135, 145 (1997) (quotation marks and citation omitted). We REMAND this case to the Court of Appeals for consideration of the issues raised by the defendants but not addressed by that court during its initial review of this case.



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I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

November 15, 2019

Handwritten signature of Larry S. Royster in black ink.

Clerk