

OVERRULING MICHIGAN SUPREME COURT PRECEDENT

Below is a chart showing the voting record for overruling Michigan Supreme Court precedent for each justice that has sat on the Michigan Supreme Court since at least 1999.

The fractions for each justice represent the following information: Number of cases in which that justice voted to overrule Michigan Supreme Court precedent/Number of Michigan Supreme Court precedents that justice is responsible for overruling.

Following the chart is a list of the cases in which the Michigan Supreme Court has overruled Michigan Supreme Court precedent. The data contained in the chart is drawn from the information contained in the list.

MICHIGAN SUPREME COURT JUSTICES' VOTING RECORD: OVERRULING MICHIGAN SUPREME COURT PRECEDENT

Year	Cavanagh	Weaver	Kelly	Young	Corrigan	Markman	Hathaway	Taylor
2010	5/13	5/13	5/13	1/4	1/4	1/4	6/17	N/A
2009	0	0	0	0	0	0	0	0
2008	0/0	2/2	0/0	4/5	4/5	4/5	N/A	4/5
2007	0/0	1/1	0/0	6/9	6/9	6/9	N/A	6/9
2006	1/1	6/7	1/1	6/7	6/7	6/7	N/A	6/7
2005	0/0	5/5	0/0	8/10	8/10	8/10	N/A	8/10
2004	1/1	7/13	1/1	7/13	7/13	6/6	N/A	6/12
2003	2/2	2/2	1/1	9/15	9/15	9/15	N/A	9/15
2002	3/3	1/1	7/11	9/13	9/13	8/12	N/A	9/13
2001	0/0	3/3	0/0	3/3	3/3	3/3	N/A	2/2
2000	0/0	5/8	0/0	5/8	5/8	5/8	N/A	5/8
1999	0/0	2/5	0/0	2/5	2/5	N/A	N/A	1/1
1998	1/1	4/4	0/0	N/A	N/A	N/A	N/A	4/4
1997	0/0	1/1	0/0	N/A	N/A	N/A	N/A	N/A
1996	2/2	3/3	N/A	N/A	N/A	N/A	N/A	N/A
1995	1/2	N/A	N/A	N/A	N/A	N/A	N/A	N/A
1994	2/2	N/A	N/A	N/A	N/A	N/A	N/A	N/A
1993	2/2	N/A	N/A	N/A	N/A	N/A	N/A	N/A
1990	2/1	N/A	N/A	N/A	N/A	N/A	N/A	N/A
1986	3/4	N/A	N/A	N/A	N/A	N/A	N/A	N/A
TOTAL	25/34	53/78	9/17	60/92	60/92	56/79	6/17	60/86
Total (1999-2010)	12/20	45/70	9/17	60/92	60/92	N/A	N/A	N/A
Total (2000-2010)	12/20	43/65	9/17	58/87	58/87	56/79	N/A	N/A

MICHIGAN SUPREME COURTS' VOTING RECORD:
OVERRULING MICHIGAN SUPREME COURT PRECEDENT

Year	Michigan Supreme Court
2010	6/17
2009	0
2008	4/5
2007	6/9
2006	6/7
2005	8/10
2004	7/13
2003	9/15
2002	9/13
2001	3/3
2000	5/8
1999	2/5
1998	5/5
1997	1/1
1996	3/3
1995	1/2
1994	2/2
1993	4/4
1990	2/1
1986	3/4
TOTAL	86/127
Total (1999-2010)	65/105
Total (2000-2010)	63/100

2010

Cases overruling MSC precedent:	6
MSC precedents overruled:	17
<u>Justices' Scorecard:</u>	
Chief Justice Marilyn Kelly	5/13
Justice Michael F. Cavanagh	5/13
Justice Elizabeth A. Weaver	5/13
Justice Maura D. Corrigan	1/4
Justice Robert P. Young Jr.	1/4
Justice Stephen J. Markman	1/4
Justice Diane M. Hathaway	6/17

Lansing Schools Education Association, et al., v. Lansing Board of Education, et al. (#138401) overruled (1) *Lee v. Macomb County Board of Commissioners* (MSC/2001); (2) *National Wildlife Federation v. Cleveland Cliffs Iron Company* (MSC/2004); (3) *Rohde v. Ann Arbor Public Schools* (MSC/2007); (4) *Michigan Citizens for Water Conservation v. Nestle Waters North America, Inc.* (MSC/2007); (5) *Associated Builders & Contractors v. Department of Consumer and Industrial Services Director* (MSC/2005); (6) *Michigan Chiropractic Council v. Commissioner of Office of Financial and Insurance Services* (MSC/2006). Cavanagh, Kelly, Weaver and Hathaway voted to overrule. [The majority overruled *Lee* and “its progeny,” which likely includes (7) *Crawford v. Department of Civil Service* (MSC/2002), (8) *Manuel v. Gill* (MSC/2008), and (9) *Federated Insurance Company v. Oakland County Road Commission* (MSC/2006), all of which relied on *Lee*.]

University of Michigan Regents v. Titan Insurance Company (#136905) overruled *Cameron v. Auto Club Insurance Association* (MSC/2006). Kelly, Cavanagh, Weaver, and Hathaway voted to overrule.

McCormick v. Carrier, et al. (#136738) overruled *Kreiner v. Fischer* (MSC/2004). Cavanagh, Kelly, Weaver, and Hathaway voted to overrule.

Bezeau v. Palace Sports and Entertainment, Inc. (#137500) overruled (the retroactive effect of) *Karaczewski v. Farbman Stein & Company* (MSC/2007). Weaver, Kelly, Cavanagh, and Hathaway voted to overrule.

Kyser v. Kasson Township (#136680) overruled (1) *City of North Muskegon v. Miller* (MSC/1929); (2) *Bloomfield Township v. Beardslee* (MSC/1957); (3) *Certain-teed Product Corporation v. Paris Township* (MSC/1958); (4) *Silva v. Ada Township* (MSC/1982). Markman, Corrigan, Young and Hathaway voted to overrule.

People v. Feezel (#138031) overruled *People v. Derror* (MSC/2006). Cavanagh, Kelly, and Hathaway voted to overrule. Weaver concurred.

2009

Cases overruling MSC precedent:

0 (Zero)

MSC precedents overruled:

Justices' Scorecard:

Chief Justice Marilyn Kelly
Justice Michael F. Cavanagh
Justice Elizabeth A. Weaver
Justice Maura D. Corrigan
Justice Robert P. Young Jr.
Justice Stephen J. Markman
Justice Diane M. Hathaway*

*Justice Diane M. Hathaway joined the Michigan Supreme Court on January 1, 2009.

2008

Cases overruling MSC precedent:	4
MSC precedents overruled:	5
<u>Justices' Scorecard:</u>	
Chief Justice Clifford W. Taylor	4/5
Justice Michael F. Cavanagh	0/0
Justice Elizabeth A. Weaver	2/2
Justice Marilyn Kelly	0/0
Justice Maura D. Corrigan	4/5
Justice Robert P. Young Jr.	4/5
Justice Stephen J. Markman	4/5

People v. Ream (#134913) overruled *People v. Wilder* (MSC/1981). Markman, Taylor, Weaver, Corrigan, and Young voted to overrule.

People v. Gardner (#131942) overruled (1) *People v. Preuss* (MSC/1990) and (2) *People v. Stoudemire* (MSC/1987). Corrigan, Taylor, Young, and Markman voted to overrule.

Wesche v. Mecosta County Road Commission (#129282) overruled *Endykiewicz v. State Highway Commission*. Corrigan, Taylor, Young, and Markman voted to overrule.

People v. Barrett (#133128) overruled *People v. Burton* (MSC/1989). Taylor, Corrigan, Young, and Markman voted to overrule. Weaver concurred.

2007

Cases overruling MSC precedent:	6
MSC precedents overruled:	9
<u>Justices' Scorecard:</u>	
Chief Justice Clifford W. Taylor	6/9
Justice Michael F. Cavanagh	0/0
Justice Elizabeth A. Weaver	1/1
Justice Marilyn Kelly	0/0
Justice Maura D. Corrigan	6/9
Justice Robert P. Young Jr.	6/9
Justice Stephen J. Markman	6/9

Renny v. Department of Transportation (#131086) overruled *Sewell v. Southfield Public Schools (MSC/1998)*. Young, Taylor, Corrigan, and Markman voted to overrule.

People v. Smith (#130353) overruled *People v. Robideau (MSC/1984)*. Markman, Taylor, Corrigan, and Young voted to overrule. Weaver concurred.

Trentadue v. Gorton, et al. (#128579) overruled (1) *Chase v. Sabin (MSC/1994)*; (2) *Johnson v. Caldwell (MSC/1963)*; (3) *Moll v. Abbott Laboratories (MSC/1993)*. Corrigan, Taylor, Young, and Markman voted to overrule.

Al-Shimmari v. Detroit Medical Center (#130078) overruled *Rogers v. Colonial Federal Savings & Loan Association (MSC/1979)*. Markman, Taylor, Corrigan, and Young voted to overrule.

Karaczewski v. Farbman Stein & Company (#129825) overruled *Boyd v. W.G. Wade Shows (MSC/1993)*. Corrigan, Taylor, Young, and Markman voted to overrule.

Rowland v. Washtenaw County Road Commission (#130379) overruled (1) *Hobbs v. Department of State Highways (MSC/1976)*; and (2) *Brown v. Manistee County Road Commission (MSC/1996)*. Taylor, Corrigan, Young, and Markman voted to overrule.

2006

Cases overruling MSC precedent:	6
MSC precedents overruled:	7
<u>Justices' Scorecard:</u>	
Chief Justice Clifford W. Taylor	6/7
Justice Michael F. Cavanagh	1/1
Justice Elizabeth A. Weaver	6/7
Justice Marilyn Kelly	1/1
Justice Maura D. Corrigan	6/7
Justice Robert P. Young Jr.	6/7
Justice Stephen J. Markman	6/7

People v. Anstey (#128368) overruled *People v. Koval* (MSC/1963) “and its progeny.” Corrigan, Taylor, Young, and Markman voted to overrule. Weaver concurred.

Paige v. City of Sterling Heights (#127912) overruled *Hagerman v. Gencorp Automotive* (MSC/1998). Taylor, Corrigan, Young, Markman voted to overrule. Weaver concurred.

People v. Williams (#126956) overruled *People v. Smith* (MSC/1991) “and its progeny.” Corrigan, Taylor, Weaver, Young, Markman voted to overrule. Cavanagh and Kelly concurred.

Grimes v. Michigan Department of Transportation (#127901) overruled *Gregg v. State Hwy Dep't* (MSC/1990) “and its progeny.” Young, Taylor, Weaver, Corrigan, Markman voted to overrule.

Joliet v. Pitoniak, et al., (#127175) overruled *Jacobson v. Parda Federal Credit Union* (MSC/1998). Weaver, Taylor, Corrigan, Young, and Markman voted to overrule.

People v. Hawthorne (#128168) overruled (1) *People v. Jones* (MSC/1975) and (2) *People v. Lester* (MSC/1979). Taylor, Weaver, Corrigan, Young, and Markman voted to overrule.

2005

Cases overruling MSC precedent:	8
MSC precedents overruled:	10
<u>Justices' Scorecard:</u>	
Chief Justice Clifford W. Taylor	8/10
Justice Michael F. Cavanagh	0/0
Justice Elizabeth A. Weaver	5/5
Justice Marilyn Kelly	0/0
Justice Maura D. Corrigan	8/10
Justice Robert P. Young Jr.	8/10
Justice Stephen J. Markman	8/10

People v. Schaefer (#126067) overruled *People v. Lardie* (MSC/1996). Young, Taylor, Weaver, Corrigan, and Markman voted to overrule. In partial concurrence, Cavanagh agreed on overruling.

Devillers v. Auto Club Insurance Association (#126899) overruled *Lewis v. DAIIE* (MSC/1986) “and its progeny.” Young, Taylor, Corrigan, Markman voted to overrule.

People v. Starks (#126756) overruled *People v. Worrell* (MSC/1983). Weaver, Taylor, Corrigan, and Young voted to overrule.

Rory v. Continental Insurance (#126747) overruled (1) *Tom Thomas Org., Inc. v. Reliance Ins. Co.* (MSC/1976); (2) *Camelot Excavating Co., Ins., v. St. Paul Fire & Marine Ins. Co.* (MSC/1981); and (3) *Herweyer v. Clark Hwy Services, Inc.* (MSC/1997) “and their progeny.” Young, Taylor, Corrigan, and Markman voted to overrule.

Echelon Homes v. Carter Lumber Co. (#125994) overruled *People v. Tantenella* (MSC/1920). Weaver, Taylor, Corrigan, Young, and Markman voted to overrule.

Garg v. Macomb Community Mental Health (#121361) overruled *Sumner v. Goodyear Tire & Rubber Co.* (MSC/1986). Markman, Taylor, Corrigan, and Young voted to overrule.

People v. Young (#124811) overruled *People v. McCoy* (MSC/1974). Corrigan, Taylor, Weaver, Young, and Markman voted to overrule.

People v. Davis (#125436) overruled *People v. Cooper* (MSC/1976). Weaver, Taylor, Corrigan, Young, and Markman voted to overrule.

2004

Cases overruling MSC precedent:	7
MSC precedents overruled:	13
<u>Justices' Scorecard:</u>	
Chief Justice Maura D. Corrigan	7/13
Justice Michael F. Cavanagh	1/1
Justice Elizabeth A. Weaver	7/13
Justice Marilyn Kelly	1/1
Justice Clifford W. Taylor	6/12
Justice Robert P. Young Jr.	7/13
Justice Stephen J. Markman	6/6

People v. Hickman (#122548) overruled *People v. Anderson* (MSC/1973). Corrigan, Weaver, Taylor, Young, and Markman voted to overrule.

County of Wayne v. Hathcock, et al. (#124070) overruled *Poletown Neighborhood Council v. Detroit* (MSC/1981). Young, Corrigan, Taylor, Markman voted to overrule. Weaver, Cavanagh and Kelly concurred.

Neal v. Wilkes (#122498) overruled *Wymer v. Holmes* (MSC/1987). Markman, Corrigan, Weaver, Taylor, and Young voted to overrule.

People v. Lively (#123145) overruled (1) *People v. Collier* (MSC/1848); (2) *Hoch v. People* (MSC/1855); (3) *Flint v. People* (MSC/1877); (4) *Beecher v. Anderson* (MSC/1881); (5) *People v. McCaffrey* (MSC/1889); (6) *People v. Almasky* (MSC/1924); and (7) *People v. Kert* (MSC/1943). Corrigan, Weaver, Taylor, and Young voted to overrule.

Waltz v. Wyse (#122580) overruled *Omelenchuk v. City of Warren* (MSC/2000). Young, Corrigan, Weaver, Taylor, and Markman voted to overrule.

People v. Nutt (#120489) overruled *People v. White* (MSC/1973) "and its progeny." Young, Corrigan, Weaver, Taylor, and Markman voted to overrule.

People v. Harris (#119862) overruled *People v. Johnson* (MSC/1981). Weaver, Corrigan, Young, and Markman voted to overrule.

2003

Cases overruling MSC precedent:	9
MSC precedents overruled:	15
<u>Justices' Scorecard:</u>	
Chief Justice Maura D. Corrigan	9/15
Justice Michael F. Cavanagh	2/2
Justice Elizabeth A. Weaver	2/2
Justice Marilyn Kelly	1/1
Justice Clifford W. Taylor	9/15
Justice Robert P. Young Jr.	9/15
Justice Stephen J. Markman	9/15

Harvey v. State of Michigan (#121672) overruled *Manistee Bank v. McGowan* (MSC/1975). Kelly, Corrigan, Cavanagh, Taylor, Young, and Markman voted to overrule.

Wilkie v. Auto-Owners Ins. Co. (#119295) overruled (1) *Bradley v. Mid-Century Ins. Co.* (MSC/1980); (2) *Vanguard Ins. Co. v. Clarke* (MSC/1991); (3) *Gelman Sciences Inc. v. Fidelity Cas. Co.* (MSC/1998); (4) *Fire Ins. Exch. v. Diehl* (MSC/1996); and (5) *Michigan Millers Mut. Ins. Co. v. Bronson Plating Co.* (MSC/1994). Taylor, Corrigan, Young, and Markman voted to overrule.

People v. Mendoza (#120630) overruled *People v. Van Wyck* (MSC/1978) “and its progeny.” Young, Corrigan, Weaver, Taylor, and Markman voted to overrule.

Jones v. Dep’t of Corrections (#120991) overruled (1) *Stewart v. Dep’t of Corrections* (MSC/1969) and (2) *In re Lane* (MSC/1966). Young, Corrigan, Taylor, Markman.

Rednour v. Hastings Mutual Ins. (#119187) overruled *Nickerson v. Citizens Mut Ins Co.* (MSC/1975). Corrigan, Weaver, Taylor, Young, and Markman voted to overrule.

Haynie v. State of Michigan (#120426) overruled *Koester v. Novi* (MSC/1998). Markman, Corrigan, Taylor, and Young voted to overrule. Weaver concurred.

Taylor v. Smithkline Beecham (#120624) overruled *Dearborn Independent, Inc. v. Dearborn* (MSC/1951). Taylor, Corrigan, Cavanagh, Young, and Markman voted to overrule.

People v. Hawkins (#120437) overruled (1) *People v. Sherbine* (MSC/1984) and (2) *People v. Sloan* (MSC/1995). Young, Corrigan, Taylor, and Markman voted to overrule.

Gladych v. New Family Homes (#119948) overruled *Busciano v. Rhodes* (MSC/1971) (Busciano’s “erroneous interpretation of MCL 600.5856). Corrigan, Taylor, Young, and Markman voted to overrule.

2002

Cases overruling MSC precedent:	9
MSC precedents overruled:	13
<u>Justices' Scorecard:</u>	
Chief Justice Maura D. Corrigan	9/13
Justice Michael F. Cavanagh	3/3
Justice Elizabeth A. Weaver	7/11
Justice Marilyn Kelly	1/1
Justice Clifford W. Taylor	9/13
Justice Robert P. Young Jr.	9/13
Justice Stephen J. Markman	8/12

People v. Petit (#119348) overruled *People v. Berry* (MSC/1980). Markman, Corrigan, Cavanagh, Weaver, Taylor, and Young voted to overrule.

People v. Hardiman (#118670) overruled *People v. Atley* (MSC/1974) “and its progeny.” Taylor, Corrigan, Weaver, Young, and Markman voted to overrule. Cavanagh concurred in overruling.

Sington v. Chrysler Corp. (#119291) overruled *Haske v. Transport Leasing, Inc.* (MSC/1997). Taylor, Corrigan, Young, and Markman voted to overrule. Weaver concurred.

Mack v. City of Detroit (#118468) overruled *McCummings v. Hurley Medical Center* (MSC/1989). Young, Corrigan, Taylor, and Markman voted to overrule.

Koontz v. Ameritech (#116366) overruled *White v. McLouth Steel Products* (MSC/1996). Weaver, Taylor, Young, and Corrigan voted to overrule.

Lesner v. Liquid Disposal (#116205) overruled *Weems v. Chrysler Corp.* (MSC/1995). Young, Corrigan, Taylor, and Markman voted to overrule. Kelly and Cavanagh concurred in the overruling.

Robertson v. DaimlerChrysler (#116276) overruled *Gardner v. Van Buren Public Schools* (MSC/1994). Markman, Corrigan, Taylor, and Young voted to overrule. Weaver concurred.

People v. Cornell (#115833) overruled (1) *People v. Jones* (MSC/1975); (2) *People v. Chamblis* (MSC/1975); (3) *People v. Stephens* (MSC/1982); (4) *People v. Jenkins* (MSC/1975) “and their progeny.” Weaver, Corrigan, Taylor, Young, and Markman voted to overrule.

Pohutski v. Allen Park (#116949) and *Jones v. City of Farmington Hills* (#117935) overruled (1) *Hadfield v. Oakland Co. Drain Comm’r* (MSC/1988) “and other cases to the contrary” including (2) *Li v. Feldt* (MSC/1990). Corrigan, Weaver, Taylor, Young, and Markman voted to overrule.

2001

Cases overruling MSC precedent:	3
MSC precedents overruled:	3
<u>Justices' Scorecard:</u>	
Chief Justice Maura D. Corrigan	3/3
Justice Michael F. Cavanagh	0/0
Justice Elizabeth A. Weaver	3/3
Justice Marilyn Kelly	0/0
Justice Clifford W. Taylor	2/2
Justice Robert P. Young Jr.	3/3
Justice Stephen J. Markman	3/3

Brown v. Genesee County Board of Commissioners (#113915) overruled *Green v. Department of Corrections (MSC/1971)*. Corrigan, Weaver, and Young voted to overrule. Markman concurred in overruling.

MacDonald v. PKT, Inc., et al. (#114039) overruled *Mason v. Royal Dequindre (MSC/1997)*. Young, Corrigan, Weaver, Taylor, and Markman voted to overrule.

People v. Glass (#114795) overruled *People v. Duncan (MSC/1972)*. Weaver, Corrigan, Young, and Markman voted to overrule. Taylor concurred on overruling.

2000

Cases overruling MSC precedent:	5
MSC precedents overruled:	8
<u>Justices' Scorecard:</u>	
Chief Justice Elizabeth A. Weaver	5/8
Justice Michael F. Cavanagh	0/0
Justice Marilyn Kelly	0/0
Justice Clifford W. Taylor	5/8
Justice Maura D. Corrigan	5/8
Justice Robert P. Young Jr.	5/8
Justice Stephen J. Markman	5/8

Nawrocki v. Macomb County Road Commission (#107903) overruled *Pick v. Szymczak* (MSC/1996). Weaver, Taylor, Corrigan, Young, and Markman voted to overrule.

Mudel v. Great Atlantic & Pacific Tea Company (#111702) overruled (1) *Goff v. Bil-Mar Foods, Inc.(After Remand)*(MSC/1997) and (2) *Layman v. Newkirk Electric Assoc., Inc.* (MSC/1998). Weaver, Taylor, Young, Corrigan, and Markman voted to overrule.

Stitt v. Holland Abundant Life (#112217) overruled *Preston v. Slezziak* (MSC/1970). Weaver, Taylor, Corrigan, Young and Markman voted to overrule.

Robinson v. City of Detroit (#110360) overruled (1) *Fiser v. Ann Arbor* (MSC/1983) and (2) *Rogers v. Detroit* (MSC/1998) and (3) *Dedes v. Asch* (MSC/1994). Weaver, Taylor, Corrigan, Young, and Markman voted to overrule.

People v. Kazmierczak (#113452) overruled *People v. Taylor* (MSC/1997). Weaver, Taylor, Corrigan, Young, and Markman voted to overrule.

1999

Cases overruling MSC precedent:	2
MSC precedents overruled:	5
<u>Justices' Scorecard:</u>	
Chief Justice Elizabeth A. Weaver	2/5
Justice Michael F. Cavanagh	0/0
Justice Marilyn Kelly	0/0
Justice Clifford W. Taylor	1/1
Justice Maura D. Corrigan*	2/5
Justice Robert P. Young Jr.	2/5
Justice Stephen J. Markman**	N/A

McDougall v. Schanz (#107956, 7/30/99) overruled (1) *Perin v. Peuler (On Rehearing)* (MSC/1964) “and its progeny,” (2) *People v. Mitchell* (MSC/1978), (3) *People v. Jackson* (MSC/1974) and (4) *Buscaino v. Rhodes* (MSC/1971)(Portion of opinion that concluded “statutes affecting the admission of evidence are procedural” for purposes of MSC’s constitutional rule-making authority under Article 6, Section 5 of the Michigan Constitution). Weaver, Corrigan and Young voted to overrule.

People v. Lukity (#110737, 7/13/99) overruled *People v. Gearns* (MSC/1998). Weaver, Corrigan, Taylor, and Young voted to overrule.

*Justice Maura D. Corrigan joined the Michigan Supreme Court on January 1, 1999.

**Justice Stephen J. Markman did not join the Michigan Supreme Court until October 1, 1999, several months after opinions in the above cases were published.

1998

Cases overruling MSC precedent:	5
MSC precedents overruled:	5
<u>Justices' Scorecard:</u>	
Justice Michael F. Cavanagh	1/1
Justice Elizabeth A. Weaver	4/4
Justice Marilyn Kelly	0/0
Justice Clifford W. Taylor	4/4
Justice Robert P. Young Jr.*	N/A

People v. Graves (#110296, 7/30/98) overruled *People v. Vail* (MSC/1975). Weaver and Taylor voted to overrule.

People v. Kaufman (#109914, 5/19/98) overruled *People v. Talley* (MSC/1981). Weaver and Taylor voted to overrule.

AFSCME v. Highland Park Board of Education (#104934, 4/21/98) overruled *Ensley v. Associated Terminals, Inc.* (MSC/1943). Cavanagh voted to overrule.

People v. Lemmon (#105850, 3/24/98) overruled *People v. Herbert* (MSC/1993). Weaver and Taylor voted to overrule.

McKenzie v. Auto Club Insurance Association determined that *Bialochowski v. Cross Concrete Pumping Company* (MSC/1987) was “wrongly decided” and “utterly antithetical to the language of [MCL 500.3105].” Weaver and Taylor voted to overrule.

*Justice Robert P. Young Jr. did not join the Michigan Supreme Court until December 30, 1998, several months after opinions in the above cases were published.

1997

Cases overruling MSC precedent:	1
MSC precedents overruled:	1
<u>Justices' Scorecard:</u>	
Justice Michael F. Cavanagh	0/0
Justice Elizabeth A. Weaver	1/1
Justice Marilyn Kelly*	0/0
Justice Clifford W. Taylor**	N/A

Bradley v. Saranac Board of Education (#106020, 7/22/07) overruled *Beaumont v. Brown* (MSC/1977). Weaver voted to overrule.

*Justice Marilyn Kelly joined the Michigan Supreme Court on January 1, 1997.

*Justice Clifford W. Taylor did not join the Michigan Supreme Court until August 21, 1997, which was nearly a month after an opinion in the above was published.

1996

Cases overruling MSC precedent:	3
MSC precedents overruled:	3
<u>Justices' Scorecard:</u>	
Justice Michael F. Cavanagh	2/2
Justice Elizabeth A. Weaver	3/3

People v. Bailey (#101017) overruled *People v. Boles* (MSC/1984). Weaver voted to overrule.

W.T. Andrew Company, Inc., v. Mid-State Surety Corporation (#101331) overruled *Weinberg v. Univ of Michigan Regents* (MSC/1893). Cavanagh and Weaver voted to overrule.

Holloway v Board of Co. Road Commissioners (#99357) “disavowed” *Old Orchard by the Bay Associates v. Hamilton Mutual Ins Co.* (MSC/1990). Cavanagh and Weaver voted to overrule.

1995

Cases overruling MSC precedent:	1
MSC precedents overruled:	2
<u>Justices' Scorecard:</u>	
Chief Justice Michael F. Cavanagh	1/2
Justice Elizabeth A. Weaver*	N/A

People v. Wood (#99391, 8/22/95) overruled (1) *People v. Pomeroy (On Rehearing)* and (2) *People v. Fulcher (On Rehearing) [same opinion]* (MSC/1984). Cavanagh voted to overrule.

*Justice Elizabeth A. Weaver, who joined the Michigan Supreme Court on January 1, 1995, did not participate in *People v. Wood*.

1994

Cases overruling MSC precedent:	2
MSC precedents overruled:	2
<u>Justices' Scorecard:</u>	
Chief Justice Michael F. Cavanagh	2/2

People v. Kevorkian (#99591) overruled *People v. Roberts* (MSC/1920). Cavanagh voted to overrule.

Jennings v. Southwood (#96277) “discarded” and “rejected” *Gibbard v. Cursan* (MSC/1923). Cavanagh voted to overrule.

1993

Cases overruling MSC precedent:	4
MSC precedents overruled:	4
<u>Justices' Scorecard:</u>	
Chief Justice Michael F. Cavanagh	2/2

In re Hatcher (#94520) overruled *Fritts v. Krugh* (MSC/1958). Cavanagh voted to overrule.

Auto Club Insurance Association v. Frederick & Herrud, Inc. (#93816) overruled *Federal Kemper Ins Co v. Health Ins. Administration, Inc.* (MSC/1986). Cavanagh voted to overrule.

People v. Fisher (#92897) overruled *O'Toole v. Ohio German Fire Insurance Company* (MSC/1909). Cavanagh did not vote to overrule.

People v. VanderVliet (#93260) determined that *People v. Golochowicz* (MSC/1982) was "unfounded." Cavanagh did not vote to overrule.

1990

Cases overruling MSC precedent:	2
MSC precedents overruled:	1
<u>Justices' Scorecard:</u>	
Justice Michael F. Cavanagh	2/1

Albro v. Allen (#83890) overruled “unidentified prior Supreme Court cases.” Cavanagh voted to overrule.

Mead v. Batchlor (#81950) overruled *Sword v. Sword* (MSC/1976). Cavanagh voted to overrule.

1986

Cases overruling MSC precedent:	3
MSC precedents overruled:	4
<u>Justices' Scorecard:</u>	
Justice Michael F. Cavanagh*	3/4

DiFranco v. Pickard (#74692) overruled *Cassidy v. McGovern* (MSC/1982). Cavanagh voted to overrule.

McMillan v. State Highway Commission (#73474) overruled (1) *Cramer v. Detroit Edison Company* (MSC/1941) and (2) *Dawson v. Postal Telegraph-Cable Company* (MSC/1933). Cavanagh voted to overrule.

Schwartz v. Flint (#70806) overruled *Ed Zaagman, Inc. v. Kentwood* (MSC/1979). Cavanagh voted to overrule.

*Justice Michael F. Cavanagh joined the Michigan Supreme Court on January 1, 1983.

NOTE: The data contained in the Voting Record chart and the list that follows was gathered from a review of Michigan Supreme Court published opinions accessed on the Michigan Supreme Court web site, the Michigan Court of Appeals web site, and in the Michigan Reports official reporters. Additionally, the data concerned the cases that overruled Michigan Supreme Court precedent in 1990 and 1986 was found in Justice Robert P. Young Jr.'s majority opinion in *Mack v. City of Detroit* (MSC/#118468/2002). Finally, for purposes of the above chart and list, a case is considered to have been overruled if: it was specifically overruled by name; it can reasonably be included among an overruled case's progeny when the Supreme Court has overruled a case and its "progeny"; and/or it was deemed "unfounded," "disavowed," "discarded," "rejected," and/or "wrongly decided."