

# Order

Michigan Supreme Court  
Lansing, Michigan

April 1, 2016

Robert P. Young, Jr.,  
Chief Justice

152217

Stephen J. Markman  
Brian K. Zahra  
Bridget M. McCormack  
David F. Viviano  
Richard H. Bernstein  
Joan L. Larsen,  
Justices

LADESHIA HALL and TRACY MOORE,  
Plaintiffs-Appellees,

v

SC: 152217  
COA: 322036  
Macomb CC: 2013-002501-NI

DAVID MIKO and CUMMINS  
BRIDGEWAY, LLC,  
Defendants-Appellants,

and

STATE FARM MUTUAL AUTOMOBILE  
INSURANCE COMPANY,  
Defendant.

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On order of the Court, the application for leave to appeal the July 16, 2015 judgment of the Court of Appeals is considered, and it is DENIED, because we are not persuaded that the question presented should be reviewed by this Court.

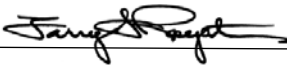
MARKMAN, J. I would grant leave to appeal to consider defendants' argument that this Court should overrule *McCormick v Carrier*, 487 Mich 180 (2010), and reinstate *Kreiner v Fischer*, 471 Mich 109 (2004), which itself was overruled by *McCormick*. Defendants concede that plaintiffs satisfy the no-fault act's "serious impairment" threshold for tort liability as construed by *McCormick*, and plaintiffs concede that plaintiff Tracy Moore probably would not be able to satisfy the "serious impairment" threshold as construed by *Kreiner*. Therefore, this would seem to be an appropriate case to assess both *McCormick* and *Kreiner*, which as both parties recognize set very different thresholds for tort liability, and to determine which is most compatible with MCL 500.3135.



a0329

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.

April 1, 2016

  
Clerk