

Order

Michigan Supreme Court
Lansing, Michigan

March 30, 2021

Bridget M. McCormack,
Chief Justice

162066

Brian K. Zahra
David F. Viviano
Richard H. Bernstein
Elizabeth T. Clement
Megan K. Cavanagh
Elizabeth M. Welch,
Justices

AUGUST SCHUTT,
Plaintiff-Appellant,

v

SC: 162066
COA: 347868
Macomb CC: 2017-004005-NI

SUBURBAN MOBILITY AUTHORITY FOR
REGIONAL TRANSPORTATION, a/k/a
SMART, and RUBY THOMAS,
Defendants-Appellees.

On order of the Court, the application for leave to appeal the August 20, 2020 judgment of the Court of Appeals is considered and, pursuant to MCR 7.305(H)(1), in lieu of granting leave to appeal, we VACATE the judgment of the Court of Appeals and we REMAND this case to the Court of Appeals for reconsideration.

In considering whether the defendant-bus driver owed the plaintiff a duty of care, the Court of Appeals referenced the trial court's ruling on the defendants' motion for summary disposition but not the trial court's ruling on the defendants' motion for reconsideration after first allowing the plaintiff to submit additional evidence. On remand, the Court of Appeals shall address the February 13, 2019 opinion and order of the trial court and reconsider whether the plaintiff has presented evidence of a "special and apparent reason" that the defendant-bus driver should have waited for the plaintiff to reach a seat before moving the bus. The Court of Appeals shall also reconsider its previous holdings that are impacted by this determination and, if necessary, the other arguments made by the defendants that the Court of Appeals did not address in its initial opinion.

We do not retain jurisdiction.



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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.

March 30, 2021

Clerk