

Order

Michigan Supreme Court
Lansing, Michigan

September 8, 2021

Bridget M. McCormack,
Chief Justice

161989

SCOTT B. CROUCH,
Plaintiff-Appellant,

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

v

SC: 161989
COA: 347489
Newaygo CC: 18-020392-NO

NEWAYGO COUNTY ROAD COMMISSION,
Defendant-Appellee.

By order of December 22, 2020, the application for leave to appeal the September 10, 2020 judgment of the Court of Appeals was held in abeyance pending the decisions in *Pearce v Eaton Co Rd Comm'n* (Docket No. 158069) and *Brugger v Midland Co Bd of Rd Comm'rs* (Docket No. 158304). On order of the Court, the cases having been decided on June 4, 2021, ___ Mich ___ (2021), the application is again 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 light of this Court's opinion in *Pearce* and *Brugger*.

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.

September 8, 2021

Clerk