

Order

Michigan Supreme Court
Lansing, Michigan

October 31, 2023

Elizabeth T. Clement,
Chief Justice

165470

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

SORIN Z. MIHALTAN, as Personal
Representative of the ESTATE OF SORIN
MIHALTAN, SR.,
Plaintiff-Appellant,

v

SC: 165470
COA: 359598
Wayne CC: 20-012645-NO

REDFORD TOWNSHIP HARDWARE
REALTY, LLC and REDFORD TOWNSHIP
HARDWARE, INC.,
Defendants-Appellees.

On order of the Court, the application for leave to appeal the February 9, 2023 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 REMAND this case to that court for reconsideration in light of *Kandil-Elsayed v F & E Oil, Inc* (Docket No. 162907) and *Pinsky v Kroger Co of Mich* (Docket No. 163430), 512 Mich ___ (July 28, 2023).

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.

October 31, 2023

Clerk