

# Order

Michigan Supreme Court  
Lansing, Michigan

October 31, 2023

Elizabeth T. Clement,  
Chief Justice

164153 & (46)

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

DAVID A. GRILLI, Personal Representative  
of the ESTATE OF ALDO H. GRILLI,  
Plaintiff-Appellant,

v

SC: 164153  
COA: 355398  
Oakland CC: 2019-177655-NO

MON JIN LAU, INC.,  
Defendant-Appellee.

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By order of June 28, 2022, the application for leave to appeal the January 27, 2022 judgment of the Court of Appeals was held in abeyance pending the decisions in *Kandil-Elsayed v F & E Oil, Inc* (Docket No. 162907) and *Pinsky v Kroger Co of Mich* (Docket No. 163430). On order of the Court, the motion for remand is GRANTED. *Kandil-Elsayed* and *Pinsky* having been decided on July 28, 2023, 512 Mich \_\_\_ (2023), 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 REMAND this case to that court for reconsideration in light of *Kandil-Elsayed* and *Pinsky*.

We do not retain jurisdiction.



b1023

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