

Order

Michigan Supreme Court
Lansing, Michigan

October 28, 2009

Marilyn Kelly,
Chief Justice

139267

Michael F. Cavanagh
Elizabeth A. Weaver
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman
Diane M. Hathaway,
Justices

AMIR AL-NAIMI and SANDRA AL-NAIMI,
Plaintiffs/Counter-Defendants-
Appellees,

v

SC: 139267
COA: 285375
Oakland CC: 2007-083746-CH

FOODLAND DISTRIBUTORS, INC.,
Defendant/Counter-Plaintiff/Third-
Party Plaintiff-Appellant,

and

NABBY YONO, FARIS NAIMI, ALAA NAIMI,
ADNAN NAIMI, NADIA, INC., and AL-NAIMI
ENTERPRISES,
Third-Party Defendants-Appellees,

and

RICHARD OTTO,
Third-Party Defendant.

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On order of the Court, the application for leave to appeal the June 2, 2009 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we REVERSE the judgment of the Court of Appeals, for the reasons stated in the Court of Appeals dissenting opinion, and we REMAND this case to the Oakland Circuit Court for further proceedings not inconsistent with this order.



s1021

I, Corbin R. Davis, 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 28, 2009

Corbin R. Davis

Clerk