

# Order

Michigan Supreme Court  
Lansing, Michigan

November 6, 2013

Robert P. Young, Jr.,  
Chief Justice

146900 & (100)

Michael F. Cavanagh  
Stephen J. Markman  
Mary Beth Kelly  
Brian K. Zahra  
Bridget M. McCormack  
David F. Viviano,  
Justices

HASTINGS MUTUAL INSURANCE  
COMPANY,  
Plaintiff/Counter-Defendant-  
Appellant/Cross-Appellee,

v

SC: 146900  
COA: 296791  
Oakland CC: 2004-056508-CK

MOSHER, DOLAN, CATALDO & KELLY,  
INC.,  
Defendant/Counter-Plaintiff-  
Appellee/Cross-Appellant,

and

LISA FEINBLOOM and DAVID  
FEINBLOOM,  
Defendants.

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On order of the Court, the application for leave to appeal the February 14, 2013 judgment of the Court of Appeals and the application for leave to appeal as cross-appellant are considered. Pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we VACATE the judgment of the Court of Appeals in part and we REMAND this case to the Court of Appeals for consideration of the issues: (1) which insurance policy or policies govern coverage in this case; and (2) whether any exclusions in the governing policy or policies apply. The Court of Appeals erred in concluding that it was bound by the law of the case to accept a prior panel's implicit determination that the policy exclusions do not apply. The prior panel did not make any implicit or explicit determination regarding the application of the policy exclusions. In all other respects, the application for leave to appeal and the application for leave to appeal as cross-appellant are DENIED, because we are not persuaded that the remaining questions presented should be reviewed by this Court.



h1030

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.

November 6, 2013

Clerk