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STATE OF MICHIGAN
COURT OF APPEALS

CHRISTOPHER ROBERT LEBLANC,

Plaintiff-Appellant,

v

WASHTENAW COUNTY ROAD
COMMISSION,

Defendant-Appellee.

UNPUBLISHED

October 28, 2021

No. 347323

Washtenaw Circuit Court

LC No. 18-000882-NF

ON REMAND

Before: BECKERING, P.J., and BOONSTRA and O’BRIEN, JJ.

BOONSTRA, J. (*concurring*).

I remain perplexed by our Supreme Court’s determination in *Pearce v Eaton County Road Commission*, __ Mich __, __; __ NW2d __ (2021), that the Court’s prior determination in *Rowland v Washtenaw County Road Commission*, 477 Mich 197; 731 NW2d 41 (2007) (i.e., that “[n]othing can be saved from . . . *Brown* [*v Manistee County Road Commission*, 452 Mich 354; 550 NW2d 215 (1996)] because the analysis [it] employ[s] is deeply flawed”) did not actually “clearly overrule” *Brown*. Nonetheless, and regardless of the merit or validity of that determination, I am bound by it. Therefore, I concur in the majority’s reversal of the trial court’s order granting summary disposition in favor of defendant.

/s/ Mark T. Boonstra