

# Order

Michigan Supreme Court  
Lansing, Michigan

May 25, 2018

Stephen J. Markman,  
Chief Justice

156622

Brian K. Zahra  
Bridget M. McCormack  
David F. Viviano  
Richard H. Bernstein  
Kurtis T. Wilder  
Elizabeth T. Clement,  
Justices

W A FOOTE MEMORIAL HOSPITAL,  
d/b/a ALLEGIANCE HEALTH,  
Plaintiff-Appellant,

v

SC: 156622  
COA: 333360  
Kent CC: 15-008218-NF

MICHIGAN ASSIGNED CLAIMS PLAN  
and MICHIGAN AUTOMOBILE INSURANCE  
PLACEMENT FACILITY,  
Defendants-Appellees,

and

JOHN DOE INSURANCE COMPANY,  
Defendant.

---

On order of the Court, the application for leave to appeal the August 31, 2017 judgment of the Court of Appeals is considered. We direct the Clerk to schedule oral argument on whether to grant the application or take other action. MCR 7.305(H)(1).

The appellant shall file a supplemental brief within 42 days of the date of this order addressing whether: (1) this Court's decision in *Covenant Medical Center, Inc v State Farm Mut Auto Ins Co*, 500 Mich 191 (2017), should be applied to this case; (2) the Court of Appeals correctly concluded that this Court's decision in *Pohutski v City of Allen Park*, 465 Mich 675, 696 (2002), has been "effectively repudiated" in the context of judicial decisions of statutory interpretation, see *Spectrum Health Hospitals v Farm Bureau Mut Ins Co of Michigan*, 492 Mich 503 (2012); *Wayne County v Hathcock*, 471 Mich 445, 484 n 98 (2004); *Devillers v Auto Club Ins Ass'n*, 473 Mich 562, 587 n 57 (2005); and (3) if *Pohutski* has not been effectively repudiated, whether the *Pohutski* framework should have been applied in *Spectrum*. In addition to the brief, the appellant shall electronically file an appendix conforming to MCR 7.312(D)(2). In the brief, citations to the record must provide the appendix page numbers as required by MCR

7.312(B)(1). The appellees shall file a supplemental brief within 21 days of being served with the appellant's brief. The appellees shall also electronically file an appendix, or in the alternative, stipulate to the use of the appendix filed by the appellant. A reply, if any, must be filed by the appellant within 14 days of being served with the appellees' brief. The parties should not submit mere restatements of their application papers.

Persons or groups interested in the determination of the issues presented in this case may move the Court for permission to file briefs amicus curiae.



a0522

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.

May 25, 2018

A handwritten signature in black ink, appearing to read "Larry S. Royster", is written over a horizontal line.

Clerk