

Order

Michigan Supreme Court
Lansing, Michigan

October 18, 2023

Elizabeth T. Clement,
Chief Justice

165577

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

PROGRESSIVE MARATHON INSURANCE
COMPANY,

Plaintiff-Appellee,

v

SC: 165577
COA: 358849
Tuscola CC: 20-031393-CZ

JOHN MICHAEL PENA and KRYSTLE
SEWELL,

Defendants-Appellants,

and

BRITTNEY GIDDINGS,
Defendant.

On order of the Court, the application for leave to appeal the January 26, 2023 judgment of the Court of Appeals is considered. We direct the Clerk to schedule oral argument on the application. MCR 7.305(H)(1). The parties shall file supplemental briefs in accordance with MCR 7.312(E), addressing whether automobile policies delivered or issued for delivery prior to July 2, 2020, that insure against loss “resulting from liability imposed by law for property damage, bodily injury, or death suffered by any person arising out of the ownership, maintenance, or use of a motor vehicle,” are subject to heightened liability coverage limits effective after July 1, 2020. See MCL 500.3009(1)(a), (b).

Amici who appeared at the application stage are invited to file supplemental briefs amicus curiae. The Coalition Protecting Auto No-Fault, the Insurance Alliance of Michigan, and Michigan Defense Trial Counsel, Inc., are invited to file briefs amicus curiae. Other persons or groups interested in the determination of the issue presented in this case may move the Court for permission to file briefs amicus curiae.

BERNSTEIN, J., not participating because he has a family member with an interest that could be affected by the proceeding.



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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 18, 2023

Clerk