

Order

Michigan Supreme Court
Lansing, Michigan

September 29, 2022

Bridget M. McCormack,
Chief Justice

164772 & (99)

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

MICHAEL T. ANDARY, M.D., Conservator
and Guardian of ELLEN M. ANDARY, LIP,
RONALD KRUEGER, Guardian of PHILIP
KRUEGER, LIP, and MORIAH, INC., d/b/a
EISENHOWER CENTER,
Plaintiffs-Appellees,

v

SC: 164772
COA: 356487
Ingham CC: 19-000738-CZ

USAA CASUALTY INSURANCE COMPANY
and CITIZENS INSURANCE COMPANY OF
AMERICA,
Defendants-Appellants.

On order of the Court, the motion for immediate consideration is GRANTED. The application for leave to appeal the August 25, 2022 judgment of the Court of Appeals is considered, and it is GRANTED. The parties shall address whether the Court of Appeals erred when it: (1) held that claimants injured before the effective date of 2019 PA 21 are not subject to the limitations on benefits set forth in MCL 500.3157(7) and (10); (2) held that application of the amended statute to such claimants would violate the Contracts Clause of the Michigan Constitution, Const 1963, art 1, § 10; and (3) remanded the case to the circuit court for discovery to determine whether the no-fault amendments, even when applied only prospectively, pass constitutional muster.

The Clerk of the Court is directed to place this case on the March 2023 session calendar for argument and submission. The time allowed for oral argument shall be 20 minutes for each side. MCR 7.314(B)(1).

Amici who appeared in the Court of Appeals or in this Court are invited to file briefs amicus curiae. Other 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.



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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.

September 29, 2022

Clerk