

Order

Michigan Supreme Court
Lansing, Michigan

November 22, 2023

Elizabeth T. Clement,
Chief Justice

165445

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

SPINE SPECIALISTS OF MICHIGAN, PC,
Plaintiff-Appellant,

v

SC: 165445
COA: 358296
Macomb CC: 2020-003355-NF

MEMBERSELECT INSURANCE COMPANY,
Defendant-Appellee.

On order of the Court, the application for leave to appeal the November 17, 2022 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 the Court of Appeals correctly held that the tolling provision of the one-year-back rule, MCL 500.3145(3), does not apply to claims for personal protection insurance no-fault benefits that accrued, MCL 500.3110(4), before the amendment to § 3145 took effect on June 11, 2019.

The Coalition Protecting Auto No-Fault, the Insurance Alliance of Michigan, Michigan Defense Trial Counsel, Inc., and Michigan Association for Justice 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.

We further direct the Clerk to schedule the oral argument in this case for the same future session of the Court when it will hear oral argument in *Encompass Healthcare, PLLC v Citizens Ins Co* (Docket No. 165321).



s1121

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 22, 2023

Clerk