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STATE OF MICHIGAN

IN THE SUPREME COURT

SUSAN CHRISTIE,

Plaintiff-Appellee

v.

Supreme Court No. 162706
COA Case No. 350321
Lower Court Case No. 19-004888-CD

WAYNE STATE UNIVERSITY,

Defendant-Appellant

_____/

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EXHIBIT A

Order

Michigan Supreme Court
Lansing, Michigan

December 22, 2021

Bridget M. McCormack,
Chief Justice

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

162830 & (52)

ELIA COMPANIES, LLC,
Plaintiff-Appellee/
Cross-Appellant,

v

SC: 162830
COA: 351064
Ct of Claims: 18-000148-MK

UNIVERSITY OF MICHIGAN REGENTS,
Defendant-Appellant/
Cross-Appellee.

_____/

On order of the Court, the application for leave to appeal the January 21, 2021 judgment of the Court of Appeals and the application for leave to appeal as cross-appellant are considered. We direct the Clerk to schedule oral argument on the application. MCR 7.305(H)(1).

The appellant shall file a supplemental brief addressing whether: (1) the appellee's filing of the initial complaint in circuit court extinguished or otherwise affected its obligation to comply with MCL 600.6431's verification requirement; (2) the affidavit that was attached to the appellee's November 2018 response to the appellant's motion for summary disposition satisfied the verification requirement of MCL 600.6431; (3) transfer of the case to the Court of Claims extended the time to file a verified notice or complaint under MCR 2.227; (4) the one-year time limit in MCL 600.6431 is a statute of limitations that is tolled by MCL 600.5856 or is otherwise subject to tolling; and (5) the appellee could cure any failure to comply with MCL 600.6431's verification requirement on remand even though more than one year has passed since accrual of the breach of contract claim. See *Fairley v Dep't of Corrections*, 497 Mich 290 (2015); MCR 2.118(D). The appellant's brief shall be filed by February 28, 2022 with no extensions except upon a showing of good cause. In the brief, citations to the record must provide the appendix page numbers as required by MCR 7.312(B)(1). The appellee shall file a supplemental brief within 21 days of being served with the appellant's brief. A reply, if any, must be filed by the appellant within 14 days of being served with the appellee's brief. The parties should not submit mere restatements of their application papers. The application for leave to appeal as cross-appellant remains pending.

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We 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 *Christie v Wayne State Univ* (Docket No. 162706).

Amici who appeared at the application stage are invited to file supplemental 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.

BERNSTEIN, J., not participating due to a familial relationship.

s1215

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.

December 22, 2021

Clerk