

Order

Michigan Supreme Court
Lansing, Michigan

April 4, 2025

Elizabeth T. Clement,
Chief Justice

165961

Brian K. Zahra
Richard H. Bernstein
Megan K. Cavanagh
Elizabeth M. Welch
Kyra H. Bolden
Kimberly A. Thomas,
Justices

ATTORNEY GENERAL,
Plaintiff-Appellant,

v

SC: 165961
COA: 362272
Ingham CC: 22-000058-CZ

ELI LILLY AND COMPANY,
Defendant-Appellee.

By order of January 24, 2025, the parties were directed to file supplemental briefs. On order of the Court, the supplemental briefs having been received, the application for leave to appeal the June 22, 2023 judgment of the Court of Appeals is again considered, and it is GRANTED. The time allowed for oral argument shall be 20 minutes for each side. MCR 7.314(B)(1). The parties shall address: (1) whether the plaintiff adequately pled a claim that the defendant violated the Michigan Consumer Protection Act (MCPA), MCL 445.901 *et seq.*; (2) whether it is necessary for the plaintiff to adequately plead a violation of the MCPA for a court to determine whether MCL 445.904(1)(a), an exemption to the MCPA, applies; (3) whether this Court's decisions in *Smith v Globe Life Ins Co*, 460 Mich 446 (1999), and *Liss v Lewiston-Richards, Inc*, 478 Mich 203 (2007), correctly interpreted MCL 445.904(1)(a); and (4) if they were incorrectly decided, whether they should nonetheless be retained under principles of stare decisis, *Robinson v City of Detroit*, 462 Mich 439, 463-468 (2000).

Amici who have appeared in this case 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.

THOMAS, J. Although I intend to participate in the forthcoming oral argument, I did not participate in the entry of this order because the Court considered the leave application before I assumed office.



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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.

April 4, 2025

Clerk