

Order

Michigan Supreme Court
Lansing, Michigan

March 6, 2023

Elizabeth T. Clement,
Chief Justice

165080

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

HEATHER MALONE,
Plaintiff-Appellant,

v

SC: 165080
COA: 356416
Livingston CC: 19-030275-NI

CONOR THOMPSON McRELL and
ZHETMAN BRIGHTON, LC,
Defendants-Appellees,

and

FARMERS INSURANCE EXCHANGE,
Defendant.

On order of the Court, the application for leave to appeal the September 22, 2022 judgment of the Court of Appeals is considered and, pursuant to MCR 7.305(H)(1), in lieu of granting leave to appeal, we VACATE that part of the judgment of the Court of Appeals affirming summary disposition for defendant Zhetman Brighton, LC, and REMAND this case to the Court of Appeals for consideration of whether the 1995 amendment of MCL 600.2925d(a) abrogated the common-law rule that “a valid release of an agent for tortious conduct operates to bar recovery against the principal on a theory of vicarious liability, even though the release specifically reserves claims against the principal.” *Theophilis v Lansing Gen Hosp*, 430 Mich 473, 480 (1988) (opinion by Griffin, J.).

We do not retain jurisdiction.



a0227

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.

March 6, 2023

Clerk