

# Order

Michigan Supreme Court  
Lansing, Michigan

December 11, 2019

Bridget M. McCormack,  
Chief Justice

157692

David F. Viviano,  
Chief Justice Pro Tem

ERIKA EASTER,  
Plaintiff-Appellant,

Stephen J. Markman  
Brian K. Zahra  
Richard H. Bernstein  
Elizabeth T. Clement  
Megan K. Cavanagh,  
Justices

v

SC: 157692  
COA: 335815  
Eaton CC: 15-001492-NI

PROGRESSIVE MARATHON INSURANCE  
COMPANY and MARK ALLEN HOCHSTETLER,  
Defendants-Appellees.

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By order of September 12, 2018, the application for leave to appeal the March 20, 2018 judgment of the Court of Appeals was held in abeyance pending the decision in *Dye v Esurance Prop & Cas Ins Co* (Docket No. 155784). On order of the Court, the case having been decided on July 11, 2019, 504 Mich 167 (2019), the application is again considered. Pursuant to MCR 7.305(H)(1), in lieu of granting leave to appeal, we REVERSE Part I.A. of the Court of Appeals judgment for the reasons stated in *Dye*. We REMAND this case to the Eaton Circuit Court for further proceedings not inconsistent with this order. In all other respects, leave to appeal is DENIED, because we are not persuaded that the remaining questions presented should be reviewed by this Court.

CAVANAGH, J., did not participate due to her prior relationship with Garan Lucow Miller, P.C.



a1204

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 11, 2019

Clerk