

Order

**Michigan Supreme Court
Lansing, Michigan**

April 21, 2023

Elizabeth T. Clement,
Chief Justice

164902-4

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

SHAREEF EL-JAMALY,
Plaintiff-Appellant,

v

SC: 164902
COA: 355402
Wayne CC: 18-011226-NO

KIRCO MANIX CONSTRUCTION, LLC,
KIRCO DEVELOPMENT, LLC, and DTE
ELECTRIC COMPANY,
Defendants-Appellees,

and

KIRCO-OM PLYMOUTH, LLC, OERLIKON
METCO (US), INC., GHAFARI ASSOCIATES,
LLC, GHAFARI, INC., NATIONAL SAFETY
RESOURCE CENTER, LLC, CHRISTOPHER
STREB, and DTE ENERGY COMPANY,
Defendants.

SHAREEF EL-JAMALY,
Plaintiff-Appellant,

v

SC: 164903
COA: 355703
Wayne CC: 18-011226-NO

KIRCO MANIX CONSTRUCTION, LLC,
KIRCO DEVELOPMENT, LLC, and
OERLIKON METCO (US), INC.,
Defendants-Appellees,

and

KIRCO-OM PLYMOUTH, LLC, GHAFARI
ASSOCIATES, LLC, GHAFARI, INC.,
NATIONAL SAFETY RESOURCE CENTER,
LLC, CHRISTOPHER STREB, DTE ENERGY
COMPANY, and DTE ELECTRIC COMPANY,
Defendants.

SHAREEF EL-JAMALY,
Plaintiff-Appellant,

v

KIRCO MANIX CONSTRUCTION, LLC,
and KIRCO DEVELOPMENT, LLC,
Defendants-Appellees,

and

KIRCO-OM PLYMOUTH, LLC, OERLIKON
METCO (US), INC., GHAFARI ASSOCIATES,
LLC, GHAFARI, INC., NATIONAL SAFETY
RESOURCE CENTER, LLC, CHRISTOPHER
STREB, DTE ENERGY COMPANY, and DTE
ELECTRIC COMPANY,
Defendants.

SC: 164904
COA: 355932
Wayne CC: 18-011226-NO

On order of the Court, the application for leave to appeal the September 1, 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 erred in holding that: (1) the defendant Kirco Manix Construction, LLC cannot be held liable under the common work area doctrine; and (2) the defendant DTE Electric Company did not owe a duty to the plaintiff.

The Michigan Association for Justice, the Michigan Defense Trial Counsel, Inc., and the Negligence Law Section of the State Bar of Michigan are invited to file 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.



a0418

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 21, 2023

Clerk