Court of Appeals, State of Michigan

ORDER

ADVISACARE HEALTHCARE SOLUTIONS INC V AUTO OWNERS INSURANCE CO

Docket Nos. 366353; 366546

LC No. 18-004210-NF

Brock A. Swartzle
Presiding Judge

Christopher M. Murray

Matthew S. Ackerman
Judges

This matter is before the Court on remand from the Supreme Court. In that remand order, the Court ordered consideration of the following four questions: (1) whether the defendants created the one-year-back argument through false answers to requests for admissions; (2) whether the insureds assigned their claims to the plaintiff in a consolidated action against both of the defendants; (3) whether the misnomer doctrine should apply; and (4) whether the directed verdict motion was procedurally improper and unsupported by evidence. *AdvisaCare Healthcare Solutions, Inc v Auto-Owners Ins Co*, ___ Mich ___; 28 NW3d 322 (2025). The parties are ordered to file supplemental briefs addressing these four issues, as well as the effect, if any, that their conclusions to these issues have on the ultimate disposition of this appeal. While addressing issue (1), the parties should discuss the ramifications, if any, of Auto-Owners not moving to amend its admissions, see MCR 2.312(D)(1), and the effect of Auto-Owners' repeated representations in this matter and in the Schulzes' consolidated lawsuit against Home-Owners, that it was either the responsible insurer or was acting on Home-Owners' behalf (such as Auto-Owners paying the settlement in the Schulzes' matter, and corresponding with providers seeking medical information on the insureds on behalf of Auto-Owners and/or Home-Owners).

Briefs shall not exceed 20 pages, and shall be filed within 21 days of the Clerk's certification of this Order.

Brock A. Swartzle
Presiding Judge

COURT OF APPEALS OF THE STATE OF MICHIGAN
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A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

February 24, 2026
Date

Jerome W. Zimmer Jr.
Chief Clerk