Order

Michigan Supreme Court
Lansing, Michigan

April 22, 2026

168843-4

Megan K. Cavanagh,
Chief Justice

Brian K. Zahra
Richard H. Bernstein
Elizabeth M. Welch
Kyra H. Bolden
Kimberly A. Thomas
Noah P. Hood,
Justices

ANA MARIA SANDOVAL,
Plaintiff-Appellee,

v

SC: 168843
COA: 361166
Wayne CC: 20-009792-NF

FARMERS INSURANCE EXCHANGE,
Defendant-Appellant,

and

ZURICH AMERICAN INSURANCE COMPANY, HENRY FORD HEALTH SYSTEM, and VLADIMIR BOSHEVSKI,
Defendants-Appellees.

_____/

TOX TESTING, INC., doing business as PARAGON DIAGNOSTICS, PRO TOXICOLOGY TESTING, and DETROIT METRO RX,
Plaintiffs-Appellees,

v

SC: 168844
COA: 361176
Wayne CC: 20-014589-NF

FARMERS INSURANCE EXCHANGE,
Defendant-Appellant,

and

ZURICH AMERICAN INSURANCE COMPANY,
Defendant-Appellee.

_____/

On order of the Court, the application for leave to appeal the May 9, 2025 judgment of the Court of Appeals is considered. We direct the Clerk to schedule oral argument on the application. MCR 7.305(I)(1). The parties shall file supplemental briefs in accordance with MCR 7.312(E), addressing: (1) whether the "primary purpose/incidental nature" test for determining whether a commercial vehicle is being used "in the business of transporting

passengers" is consistent with the language of MCL 500.3114(2), see *Ahee v Novi*, unpublished per curiam opinion of the Court of Appeals, issued March 19, 2019 (Docket No. 341072) (GLEICHER, J., concurring), p 5; *Smith v Farm Bureau Mut Ins Co of Mich*, unpublished per curiam opinion of the Court of Appeals, issued March 13, 2025 (Docket No. 369139) (YOUNG, P.J., concurring *dubitante*), p 6; *Mich Muni League Liability & Prop Pool v Farmers Ins Exch*, ___ Mich App ___ (September 16, 2025) (Docket No. 371789); and (2) if not, what the proper test should be.

Persons or groups interested in the determination of the issues presented in this case who are not exempt from the motion requirement under MCR 7.312(H) may move the Court for permission to file briefs amicus curiae.

I, Elizabeth Kingston-Miller, 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 22, 2026

Clerk

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