

Order

Michigan Supreme Court
Lansing, Michigan

September 27, 2024

Elizabeth T. Clement,
Chief Justice

166782

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

SARAH MARIE MARKIEWICZ,
Plaintiff-Appellant,

v

SC: 166782
COA: 363720
Macomb CC: 2019-003236-DM

DAVID RANDAL MARKIEWICZ,
Defendant-Appellee.

On order of the Court, the application for leave to appeal the December 7, 2023 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 include among the issues to be briefed: (1) whether the lower courts properly construed the parties' agreement with the storage facility; (2) whether the lower courts properly balanced the equities in their application of the factors from *Sparks v Sparks*, 440 Mich 141 (1992), see *Karungi v Ejalu*, 501 Mich 1051 (2018) (MCCORMACK, J., concurring); *Jocelyn P v Joshua P*, 250 A3d 373 (Md App, 2021); *In re Marriage of Rooks*, 429 P3d 579 (Colo, 2018); (3) whether Const 1963, art 1, § 28 applies retroactively; and (4), if so, its effect on the instant case.

The State Bar of Michigan Family Law Section is invited to file a brief 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.



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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.

September 27, 2024

Clerk