

# Order

Michigan Supreme Court  
Lansing, Michigan

September 27, 2024

166865-6

CHANDRA McDUFFIE, Personal Representative  
of the ESTATE OF WILLIAM HOWARD  
McDUFFIE-CONNOR,  
Plaintiff-Appellant,

v

SCOTT M. NEAL and MEMBERSELECT  
INSURANCE COMPANY,  
Defendants,

and

NSS CONSTRUCTION, INC.,  
Defendant-Appellee.

SC: 166865  
COA: 358987  
Wayne CC: 20-007497-NF  
20-012305-NF

CHANDRA McDUFFIE, Personal Representative  
of the ESTATE OF WILLIAM HOWARD  
McDUFFIE-CONNOR,  
Plaintiff-Appellant,

v

SCOTT M. NEAL and MEMBERSELECT,  
INSURANCE COMPANY,  
Defendants,

and

NSS CONSTRUCTION, INC.,  
Defendant-Appellee.

SC: 166866  
COA: 360585  
Wayne CC: 20-007497-NF

On order of the Court, the application for leave to appeal the February 8, 2024 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 concluding that: (1) no genuine issue of material fact existed as to whether defendants

Elizabeth T. Clement,  
Chief Justice

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

Neal or NSS Construction, Inc., breached a duty owed to the plaintiff's decedent, and (2) the trial court abused its discretion in imposing sanctions against NSS for spoliation of evidence.

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