

Order

Michigan Supreme Court
Lansing, Michigan

December 13, 2019

Bridget M. McCormack,
Chief Justice

158070-1

David F. Viviano,
Chief Justice Pro Tem

WILLIAM SCOTT KINCAID, ERAINA POOLE,
GEORGE POOLE, and MARY B. BELL,
Plaintiffs-Appellants,

Stephen J. Markman
Brian K. Zahra
Richard H. Bernstein
Elizabeth T. Clement
Megan K. Cavanagh,
Justices

v

SC: 158070; 158071
COA: 337972; 337976
Genesee CC: 12-098490-CZ

CITY OF FLINT,
Defendant-Appellee.

By order of December 4, 2018, the application for leave to appeal the June 26, 2018 judgment of the Court of Appeals was held in abeyance pending the decision in *Genesee Co Drain Comm'r Jeffrey Wright v Genesee Co* (Docket No. 156579). On order of the Court, the case having been decided on July 18, 2019, 504 Mich 410 (2019), the application is again considered. Pursuant to MCR 7.305(H)(1), in lieu of granting leave to appeal, we VACATE the judgment of the Court of Appeals and we REMAND this case to that court for its consideration of plaintiffs' unjust enrichment claims in light of *Genesee Co Drain Comm'r Jeffrey Wright*, and, if necessary, the issues raised by the defendant but not addressed by that court during its initial review of this case.

We do not retain jurisdiction.

CLEMENT, J., did not participate due to her prior involvement as chief legal counsel for the Governor.



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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.

December 13, 2019

Clerk