

Order

Michigan Supreme Court
Lansing, Michigan

March 25, 2020

Bridget M. McCormack,
Chief Justice

159531

David F. Viviano,
Chief Justice Pro Tem

LEOLA ROBERTSON, Personal Representative
of the ESTATE OF MARTEL ROBERTSON,
Plaintiff-Appellee,

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

v

SC: 159531
COA: 337961
Wayne CC: 15-010455-NI

LADARIUS DEANGELO JOHNSON,
Defendant,
and

U-HAUL CO. OF MICHIGAN, a/k/a 2013
U-HAUL TITLING 1, LLC,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the January 22, 2019 judgment of the Court of Appeals is considered and, pursuant to MCR 7.305(H)(1), in lieu of granting leave to appeal, we VACATE the judgment of the Court of Appeals. Whether the plaintiff has stated a viable claim against defendant U-Haul Co. of Michigan (U-Haul), and if so the basis for that claim, cannot be reviewed on appeal where the complaint itself fails to make any allegations or state any claim against U-Haul. Under these circumstances, U-Haul was entitled to summary disposition. See MCR 2.116(C)(8), (I)(1). We therefore REVERSE the April 10, 2017 judgment of the Wayne Circuit Court and REMAND this case to that court for entry of an order granting summary disposition to U-Haul, without prejudice to the plaintiff's opportunity to amend the complaint pursuant to MCR 2.116(I)(5).

We do not retain jurisdiction.



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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.

March 25, 2020

Clerk