Order

Michigan Supreme Court
Lansing, Michigan

October 28, 2026

Megan K. Cavanagh,
Chief Justice

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

SC: 168333
COA: 370889
Muskegon CC: 2022-004851-NO

GREGORY JACOBS, Personal Representative
of the ESTATE OF THOMAS A. JACOBS,
Plaintiff-Appellee,

v

MERCY HEALTH PARTNERS,
Defendant-Appellant,

and

AUTOMATIC DOOR SERVICE, INC.,
Defendant.

By order of August 29, 2025, the application for leave to appeal the January 8, 2025 order of the Court of Appeals was held in abeyance pending the decision in *Smith v Beaumont Health* (Docket Nos. 167716 and 167720). On order of the Court, the case having been decided on June 30, 2026, ___ Mich ___ (2026), the application is again considered and, pursuant to MCR 7.305(I)(1), in lieu of granting leave to appeal, we REMAND this case to the Court of Appeals for consideration as on leave granted. The Court of Appeals, on remand, may, while retaining jurisdiction, remand the case to the Muskegon Circuit Court for additional proceedings or hearings, if necessary.

p1021

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.

October 28, 2026

Clerk