Order

Michigan Supreme Court
Lansing, Michigan

November 25, 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: 170106 & (65)
COA: 370824
Clinton CC: 14-011366-NI

CALEB MITCHELL BROWN and DIANA BROWN,
Plaintiffs-Appellants/
Cross-Appellees,

and

ZURICH AMERICAN INSURANCE COMPANY,
Intervening Plaintiff-Appellee,

v

COMSTOCK TURF, INC., JOEL ROBERT COMSTOCK, and COLLEEN SUE COMSTOCK,
Defendants-Appellees/
Cross-Appellants.

On order of the Court, the application for leave to appeal the February 26, 2026 judgment of the Court of Appeals and the conditional application for leave to appeal as cross-appellants are considered. Pursuant to MCR 7.305(I)(1), in lieu of granting leave to appeal, we REVERSE the judgment of the Court of Appeals and REMAND this case to that court for further proceedings. As noted by dissenting Judge PATEL, plaintiffs' evidence, while circumstantial, was sufficient to establish causation. *Skinner v Square D Co*, 445 Mich 153, 164 (1994). On remand, the Court of Appeals shall consider the issues raised by defendants but not addressed by that court during its initial review of the case.

We do not retain jurisdiction.

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.

November 25, 2026

Clerk