

Order

**Michigan Supreme Court
Lansing, Michigan**

November 7, 2014

Robert P. Young, Jr.,
Chief Justice

147640-1

Michael F. Cavanagh
Stephen J. Markman
Mary Beth Kelly
Brian K. Zahra
Bridget M. McCormack
David F. Viviano,
Justices

JAMES PERKINS,
Plaintiff-Appellee,

v

SC: 147640
COA: 310473
Grand Traverse CC:
2011-028699-NF

AUTO-OWNERS INSURANCE
COMPANY,
Defendant-Appellant,

and

STATE FARM FIRE & CASUALTY
COMPANY and STATE FARM
MUTUAL AUTOMOBILE INSURANCE
COMPANY,
Defendants,

and

PROGRESSIVE NORTHERN INSURANCE
COMPANY,
Defendant-Appellee.

JAMES PERKINS,
Plaintiff-Appellee,

v

SC: 147641
COA: 312674
Grand Traverse CC:
2011-028699-NF

AUTO-OWNERS INSURANCE
COMPANY,
Defendant-Appellant,

and

STATE FARM FIRE & CASUALTY
COMPANY, STATE FARM MUTUAL
AUTOMOBILE INSURANCE COMPANY,

and PROGRESSIVE NORTHERN
INSURANCE COMPANY,
Defendants.

On order of the Court, the application for leave to appeal the July 18, 2013 judgment of the Court of Appeals is considered, and it is DENIED, because we are not persuaded that the questions presented should be reviewed by this Court.

MARKMAN, J. (*dissenting*). I respectfully dissent. Defendant Auto-Owners Insurance Company argued that because plaintiff, an out-of-state driver, was injured while operating a vehicle that was not insured by an insurer authorized to issue automobile liability insurance in Michigan, he was not entitled to personal protection insurance benefits under Michigan law. MCL 500.3113(c). Despite defendant's argument ultimately having been rejected by the trial court, defendant bore the obligation to pay plaintiff's attorney fees only if its argument was "unreasonable." MCL 500.3148(1). Thus, the dispute here does not pertain to whether defendant's argument should have *prevailed*, but only to whether it was "unreasonable." In my judgment, it was not in the slightest.



h1104

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.

November 7, 2014

Handwritten signature of Larry S. Royster in black ink.

Clerk