

Court of Appeals, State of Michigan

ORDER

Griswold Properties LLC v Lexington Ins Co
Gainors Meat Packing Inc v Home-Owners Ins Co
Samuel C Gardner v Harleysville Lake States Ins Co

Docket Nos. 263197; 265278; 268335

LC Nos. 03-334538-CK; 03-002120-CK; 04-426276-CK

William C. Whitbeck, C.J.
Presiding Judge

Judges of the
Court of Appeals

Judges

The Court orders that a special panel shall be convened pursuant to MCR 7.215(J) to resolve the conflict between these consolidated cases and *Arco Industries Corp v American Motorist Ins Co*, 233 Mich App 143; 594 NW2d 74 (1998), aff'd 462 Mich 896; 617 NW2d 330 (2000).

The Court further orders that Section I of the opinion in these consolidated cases, which addresses whether a first-party insured is entitled to 12 percent interest under MCL 500.2006(4) when the insurer fails to pay a claim on a timely basis irrespective of whether the amount of the claim was reasonably in dispute, is VACATED. MCR 7.215(J)(5).

Appellants may file supplemental briefs within 21 days of the Clerk's certification of this order. Appellees may file supplemental briefs within 21 days of the service of appellants' briefs. Nine copies must be filed with the Clerk of the Court.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JUN 8 - 2007

Date

Sandra Schultz Mengel
Chief Clerk