

STATE OF MICHIGAN
COURT OF APPEALS

ALLSTATE INSURANCE COMPANY,

Plaintiff-Appellant,

v

FLOYD GOSS and CHARLES FINDLAY,

Defendants-Appellees.

UNPUBLISHED

November 27, 2001

No. 219955

Saginaw Circuit Court

LC No. 97-017374-CK

ON REMAND

Before: Sawyer, P.J., and Jansen and Gage, JJ.

MEMORANDUM.

We originally reversed and remanded in an opinion issued December 26, 2000. Thereafter, the Supreme Court, in lieu of granting leave, remanded the matter for consideration of “plaintiff’s issue concerning the intentional and criminal act exclusions of the policy, which was raised by plaintiff in its Court of Appeals brief but not addressed by that court.” *Allstate Ins Co v Goss*, ___ Mich ___ (Docket No. 118467, order entered September 18, 2001).

Our holding in the original opinion that there was a genuine issue of material fact as to “whether defendant’s injuries resulted from plaintiff’s intentional act or from an accident,” *Allstate Ins Co v Goss*, unpublished opinion per curiam of the Court of Appeals, issued December 26, 2000 (Docket No. 219955), slip op at 2, disposed of both issues raised by plaintiff: summary disposition on either issue was inappropriate in light of the existence of this genuine issue of material fact.

We once again reverse and remand for further proceedings consistent with this opinion. We do not retain jurisdiction.

/s/ David H. Sawyer

/s/ Kathleen Jansen

/s/ Hilda R. Gage