

STATE OF MICHIGAN
COURT OF APPEALS

CLYDE EVERETT,

Plaintiff-Appellee,

v

AUTO OWNERS INSURANCE COMPANY,

Defendant-Appellant.

UNPUBLISHED

June 15, 2010

No. 287640

Lapeer Circuit Court

LC No. 06-037406-NF

ON RECONSIDERATION

Before: GLEICHER, P.J., and FITZGERALD and WILDER, JJ.

FITZGERALD, J. (*dissenting*).

I would affirm the order that awarded plaintiff attorney fees and costs under the no-fault act, MCL 500.3148(1), for the reasons stated in this Court's original majority opinion in this matter. *Everett v Auto Owners Insurance Company*, unpublished opinion per curiam of the Court of Appeals, issued January 26, 2010 (Docket No. 287640).

/s/ E. Thomas Fitzgerald