

STATE OF MICHIGAN
COURT OF APPEALS

ROBERT A. RUFFINS, by Conservator, JOHN R.
RUFFINS,

UNPUBLISHED
January 18, 2018

Plaintiff-Appellant,

v

No. 335305
Livingston Circuit Court
LC No. 13-027760-NO

DTE ELECTRIC COMPANY,

Defendant-Appellee.

Before: MURPHY, P.J., and SAWYER and BECKERING, JJ.

PER CURIAM.

In a previous opinion in this case, this Court directed as follows:

Because DTE entitled to summary disposition under MCR 2.116(C)(10) with respect to the element of causation, and because causation, as opposed to rule violations, would not have been a matter for the MPSC to explore, we reverse the trial court's primary jurisdiction ruling and remand for entry of judgment in favor of DTE. [*Ruffins v DTE Electric Co*, unpublished opinion per curiam of the Court of Appeals, p 4, issued April 28, 2016 (Docket No. 325443).]

Plaintiff did not appeal the ruling to our Supreme Court, and on remand to the trial court, plaintiff filed a supplemental submission of evidence, arguing that the evidence established an issue of fact on causation. Wisely, the trial court rejected the submission and argument and entered judgment in favor of DTE as ordered by this Court. Plaintiff now appeals. Under the rule of mandate, "a lower court must strictly comply with, and may not exceed the scope of, a remand order." *Int'l Business Machines Corp v Dep't of Treasury*, 316 Mich App 346, 352; 891 NW2d 880 (2016). The trial court properly entered judgment in favor of DTE. Assuming that plaintiff can even validly file an appeal to this Court under the circumstances, the trial court's ruling is affirmed.

Affirmed. Taxable costs are awarded to DTE under MCR 7.219.

/s/ William B. Murphy
/s/ David H. Sawyer
/s/ Jane M. Beckering