

Order

Michigan Supreme Court
Lansing, Michigan

September 21, 2011

Robert P. Young, Jr.,
Chief Justice

142774 & (42)

Michael F. Cavanagh
Marilyn Kelly
Stephen J. Markman
Diane M. Hathaway
Mary Beth Kelly
Brian K. Zahra,
Justices

TITAN INSURANCE COMPANY,
Plaintiff-Appellant,

v

SC: 142774
COA: 291899
Oakland CC: 2008-093839-NZ

MCKINLEY HYTEN, HOWARD HOLMES,
and MARTHA HOLMES,
Defendants-Appellees,
and

FARM BUREAU INSURANCE COMPANY,
Intervening Defendant-Appellee.

On order of the Court, the application for leave to appeal the February 1, 2011 judgment of the Court of Appeals is considered, and it is GRANTED. The parties shall include among the issues to be briefed whether an insurance carrier may reform an insurance policy on the ground of misrepresentation in the application for insurance where the misrepresentation is “easily ascertainable” and the claimant is an injured third party.

The motion for leave to file brief amicus curiae is GRANTED. Other persons or groups interested in the determination of the issues presented in this case may move the Court for permission to file briefs amicus curiae.



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I, Corbin R. Davis, 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.

September 21, 2011

Corbin R. Davis

Clerk