

Order

Michigan Supreme Court
Lansing, Michigan

May 23, 2024

Elizabeth T. Clement,
Chief Justice

163989

Brian K. Zahra
David F. Viviano
Richard H. Bernstein
Megan K. Cavanagh
Elizabeth M. Welch
Kyra H. Bolden,
Justices

TIMIKA RAYFORD,
Plaintiff-Appellant,

v

SC: 163989
COA: 355232
Macomb CC: 2020-001548-CD

AMERICAN HOUSE ROSEVILLE I, LLC, d/b/a
AMERICAN HOUSE EAST I, d/b/a
AMERICAN HOUSE,
Defendant-Appellee.

On November 8, 2023, the Court heard oral argument on the application for leave to appeal the December 16, 2021 judgment of the Court of Appeals. On order of the Court, the application is again considered, and it is GRANTED. The parties shall include among the issues to be briefed: (1) whether *Clark v DaimlerChrysler Corp*, 268 Mich App 138 (2005), properly extended this Court's holding in *Rory v Continental Ins Co*, 473 Mich 457 (2005), to employment contracts (see also *Camelot Excavating Co, Inc v St Paul Fire & Marine Ins Co*, 410 Mich 118 (1981), overruled by *Rory*, 473 Mich 457, and *Herweyer v Clark Hwy Servs, Inc*, 455 Mich 14 (1997), overruled by *Rory*, 473 Mich 457); and (2) if not, whether the contract at issue in this case is an unconscionable contract of adhesion. The time allowed for oral argument shall be 30 minutes for each side. MCR 7.314(B)(1).

Amici who appeared at the application stage are invited to file supplemental briefs amicus curiae. The Business Law and Labor and Employment Law Sections of the State Bar of Michigan, the Michigan Association for Justice, and the Michigan Defense Trial Counsel, Inc., are invited to file briefs amicus curiae. 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.

ZAHRA and VIVIANO, JJ., would deny the application for leave to appeal.



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I, Larry S. Royster, 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.

May 23, 2024

Clerk