

Order

Michigan Supreme Court
Lansing, Michigan

June 18, 2014

Robert P. Young, Jr.,
Chief Justice

148373

Michael F. Cavanagh
Stephen J. Markman
Mary Beth Kelly
Brian K. Zahra
Bridget M. McCormack
David F. Viviano,
Justices

NAUM THOMAI and ZHULIETA THOMAI,
Plaintiffs-Appellees,

v

SC: 148373
COA: 310755
Macomb CC: 2011-001947-NO

MIBA HYDRAMECHANICA CORPORATION
and CORPORATIONS X and Y,
Defendants-Appellants.

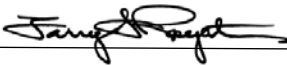
On order of the Court, the application for leave to appeal the November 14, 2013 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we REVERSE the judgment of the Court of Appeals and REINSTATE the Macomb Circuit Court's May 24, 2012 judgment for the defendants. The trial court did not abuse its discretion in limiting discovery where the plaintiffs had seven months of unfettered discovery and, in lieu of granting summary disposition to the defendants, the trial court permitted additional discovery limited to evidence that would support a prima facie case under the intentional tort exception to the exclusive remedy provision of the worker's disability compensation act, MCL 418.131(1). Nor did the trial court err in its understanding of the legal elements of the intentional tort exception. There is simply no evidence in the record to establish that the defendants wilfully disregarded knowledge that an injury was certain to occur to the plaintiff from his operation of the grooving machine.



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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.

June 18, 2014


Clerk