

# Order

Michigan Supreme Court  
Lansing, Michigan

June 1, 2018

Stephen J. Markman,  
Chief Justice

156793

Brian K. Zahra  
Bridget M. McCormack  
David F. Viviano  
Richard H. Bernstein  
Kurtis T. Wilder  
Elizabeth T. Clement,  
Justices

DWAYNE WIGFALL,  
Plaintiff-Appellant,

v

SC: 156793  
COA: 333448  
Wayne CC: 15-015620-NO

CITY OF DETROIT,  
Defendant-Appellee.

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On order of the Court, the application for leave to appeal the November 7, 2017 judgment of the Court of Appeals is considered. We direct the Clerk to schedule oral argument on whether to grant the application or take other action. MCR 7.305(H)(1).

The appellant shall file a supplemental brief within 42 days of the date of this order addressing: (1) whether strict or substantial compliance is required with the notice provision contained within MCL 691.1404(2), compare *Rowland v Washtenaw County Road Commission*, 477 Mich 197 (2007), with *Plunkett v Dep't of Transportation*, 286 Mich App 168 (2009); (2) whether the plaintiff's notice failed to comply with MCL 691.1404(2) under either a strict or substantial compliance standard; (3) whether an individual described in MCR 2.105(G)(2) can delegate the legal authority to accept lawful process under MCL 691.1404(2), see 1 Mich Civ Jur Agency § 1 (2018); and (4) whether the defendant should be estopped from asserting that the statutory notice requirement was not met. In addition to the brief, the appellant shall electronically file an appendix conforming to MCR 7.312(D)(2). In the brief, citations to the record must provide the appendix page numbers as required by MCR 7.312(B)(1). The appellee shall file a supplemental brief within 21 days of being served with the appellant's brief. The appellee shall also electronically file an appendix, or in the alternative, stipulate to the use of the appendix filed by the appellant. A reply, if any, must be filed by the appellant within 14 days of being served with the appellee's brief. The parties should not submit mere restatements of their application papers.

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.

We further direct the Clerk to schedule the oral argument in this case for the same future session of the Court when it will hear oral argument in *West v City of Detroit* (Docket No. 157097).



d0529

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 1, 2018

A handwritten signature in black ink, appearing to read "Larry S. Royster", is written over a horizontal line.

Clerk