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***MICHIGAN SUPREME COURT*:**

Price v High Pointe Oil Co, 493 Mich 238; 828 NW2d 660 (2013) [Plaintiff is not entitled to recover non-economic damages for mental anguish suffered as a result of the destruction of her house.]

Moore v Secura Ins, 482 Mich 507; 759 NW2d 833 (2008) [Where the Court reversed the Court of Appeals and circuit court's decisions awarding the plaintiff No-Fault attorney fees under MCL 500.3148(1), concluding that the benefits awarded by the jury were not "overdue" under MCL 500.3142(2) and, regardless, the insurer did not act unreasonably in terminating the plaintiff's benefits prior to suit.]

Knight Enterprises, Inc v Fairlane Car Wash, Inc, 482 Mich 1006; 756 NW2d 88 (2008) [Where the Court summarily reversed the Court of Appeals, ruling that summary disposition of the plaintiff's complaint was premature because, under the proper construction of the language of the parties' Motor Fuel Franchise Agreement, the plaintiff failed to satisfy its burden of proving damages under the agreement.]

Reed v Breton, 475 Mich 531; 718 NW2d 770 (2006) - The Michigan Supreme Court held that the presumption of non-liability contained in Michigan's Dram Shop Act, MCL 436.1801(8), is rebutted upon a showing of clear and convincing evidence of visible intoxication; post hoc expert opinion evidence of intoxication, alone, is not sufficient to impose liability under the Dram Shop Act.

MICHIGAN COURT OF APPEALS:

Employers Mutual Casualty Co v Helicon Associates, ___ Mich App ___; ___ NW2d ___ (2015) [In this declaratory action, Court held that coverage to insured charter school for liability imposed by consent judgment under Connecticut Uniform Securities Act was excluded under fraud and dishonesty exclusion.]

Moon v Michigan Productive & IVF Center, P.C., 294 Mich App 582; 810 NW2d 919 (2011) [Plaintiff who alleged that in vitro fertilization clinic refused to

provide insemination services to her because of her marital status stated a claim for relief under the Elliott Larsen Civil Rights Act]

Price v High Pointe Oil Co, Inc., 294 Mich App 42; 828 NW2d 660 (2011) [Plaintiff entitled to recover non-economic damages for mental anguish suffered as a result of the destruction of her house.]

McGrath v Allstate Insurance Co, 290 Mich App 434; 802 NW2d 619 (2010) [Plaintiff not entitled to coverage for water loss under homeowner's insurance policy because plaintiff did not "reside" at insured property at time of loss and because plaintiff did not comply with policy requirement that insured notify insurer of change in title, occupancy or use of property.]

Kieta v Thomas M Cooley Law School, 290 Mich App 144; 799 NW2d 579 (2010) [Former law school student's claims against law school arising out of disciplinary proceedings dismissed as moot.]

Curry v Meijer, Inc, 286 Mich App 586; 780 NW2d 603 (2009) [Where the Michigan Court of Appeals held that a plaintiff seeking to impose liability on a non-manufacturing seller for breach of implied warranty pursuant to MCL 600.2947(6)(a) must establish that the defendant failed to exercise reasonable care.]

Moore v Detroit Entertainment, LLC, 279 Mich App 195; 755 NW2d 686 (2008) [Private security guards, licensed as private security police under MCL 338.1079, et seq, who temporarily detained a casino patron on suspicion of assault acted under color of law for purposes of imposing liability under 42 USC § 1983.]

Citizens Ins Co v Secura Ins, 279 Mich App 69; 755 NW2d 563 (2008) [Insurer of vehicle owner does not owe a duty to indemnify the non-owner driver of the vehicle until a jury in the underlying tort action determines that the driver was driving the vehicle with the owner's permission however, because of the presumption of consent between the owner-mother and the driver-son under MCL 257.401, the insurer of the vehicle owner does owe the driver a duty to defend in the underlying tort action.]

Moore v Secura Insurance, 276 Mich App 195; 741 NW2d 38 (2007); rev'd 482 Mich 507; 759 NW2d 833 (2008) [Claim for attorney fees under MCL 500.3148 of the No Fault Act. Court held that jury's award of penalty interest evidenced that at least some of the benefits awarded were "overdue" within the

meaning of the statute. Court found that attorney fees warranted because insurer acted unreasonably in terminating benefits.]

Buck v Thomas M Cooley Law School, 272 Mich App 93; 725 NW2d 485 (2006) [Where plaintiff sought to impose liability on private law school under the Michigan Persons With Disabilities Civil Rights Act, the Court held that there was no duty "not to misdiagnose" a learning disability, and that the defendant had not failed to reasonably accommodate the plaintiff when it denied her request to drop a class late in the semester.]

Teufel v Watkins, 267 Mich App 425; 705 NW2d 164 (2005) [Court considered claim arising from slip and fall on ice, and concluded that no claim could be brought against either the defendant landlord, or the defendant snow removal company, holding that the open and obvious danger defense precluded the premises liability claim, and that no duty was owed by the contractor that was separate and distinct from its contractual obligations.]

Reed v Breton, 264 Mich App 363; 691 NW2d 779 (2004) [As matter of first impression, the Court of Appeals considered what evidence was necessary in a dramshop action to rebut the rebuttable presumption of MCL 436.1801(8) that no viable cause of action exists against any retail licensee except the last licensee who furnished alcoholic beverages to the minor or visibly intoxicated person.]

Moriarity v Shields, 260 Mich App 566; 678 NW2d 642 (2004) [Where trial court granted an order allowing the issuance of a second summons, and where that order was signed within the life of the original summons, a second summons was properly issued, even though it was not actually issued until after the expiration of the original summons.]

Hayley v Allstate Ins Co, 262 Mich App 571; 686 NW2d 273 (2004) [Insurer was entitled to summary disposition on a claim of injury sustained as a result of toxic mold caused by water damage, where the policy contained an exclusion that applied to both losses caused by mold and losses consisting of mold damage.]

FEDERAL COURTS:

Roquemore v. American Bridge Manufacturing, 679 F.3d 452 (6th Cir. 2012) [Under Michigan law, owner of truck that collided with highway overpass was not subject to absolute liability, pursuant to M.C.L. 257.719(1) establishing

maximum height restrictions for vehicles, for death of motorist in following vehicle, to complete exclusion of companies responsible for loading beam on trailer, hiring trucking company, and obtaining permits.]

Warrior Sports, Inc. v. Dickinson Wright, P.L.L.C., 631 F.3d 1367 (Fed. Cir. 2011) [Federal Circuit Court of Appeals holds that complaint alleging state legal malpractice claim fell within federal court's exclusive jurisdiction under 28 U.S.C. 1338 as proof of patent infringement was necessary in order to determine whether plaintiff satisfied proximate cause and injury elements of malpractice claim.]

TMW Enterprises, Inc. v. Federal Ins. Co., 619 F.3d 574 (6th Cir. 2010) [Faulty workmanship property insurance policy exclusion applied to exclude coverage for water infiltration damage, despite insured's contention that ensuing loss provision contained within exclusion reinserted coverage for loss.]

Buck v. Thomas M. Cooley Law School, 597 F.3d 812 (6th Cir. 2010) [The court held that the former student's federal complaint against the defendant law school alleging discrimination and retaliation under the Americans with Disabilities Act was barred by res judicata under Michigan law.]

Brooks v. Rothe, 577 F.3d 701 (6th Cir. 2009) [Where the plaintiff resisted the officer's order to be allowed entry onto the premises to search for drugs, the Court held that she had been lawfully arrested, discussing the lawfulness of the order and the manner in which plaintiff resisted, concluding that plaintiff's conduct constituted obstruction of the officer pursuant to the relevant state statute.]

Romanski v. Detroit Entertainment, 428 F.3d 629 (6th Cir. 2005) [The court considered the viability of a cause of action under 42 U.S.C. §1983 against a private company premised on the conduct of its state certified security guards and concluded that the state certification was sufficient to qualify the defendant as a "state actor". The court also held that the punitive damage award had been constitutionally impermissible, ordering a remittitur.]