IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Badger Mutual Ins Co v Ross Enterprises Inc**
Docket No. **294489**
L.C. No. **09-006218-CZ**

Christopher M. Murray, Judge, acting under MCR 7.211(E)(2), orders:

Upon notification of a pending bankruptcy proceeding that deprives this Court of the authority to continue its review of this case with respect to Ross Enterprises, Inc., 11 USC 362, the Court orders that the appeal is CLOSED with respect to Ross Enterprises, Inc. only. The appeal may proceed with respect to defendant-appellees Suzanne Dimilia and Michael Brzezinski, co-personal representatives of the Estate of Kenneth Brzezinski. See *Maritime Electric Co Inc, v United Jersey Bank*, 959 F2d 1194 (CA 3, 1991).

The partial closure with respect to Ross Enterprises, Inc. is ordered without prejudice to the appeal being reopened and allowed to proceed with respect to Ross Enterprises, Inc. upon written notification to this Court that the bankruptcy stay has been lifted, the bankruptcy proceedings have been dismissed, or a party to the case has obtained relief from the stay.

A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

APR 19 2010
Date

Sandra Schultz Mengel
Chief Clerk