

Order

**Michigan Supreme Court
Lansing, Michigan**

December 27, 2005

Clifford W. Taylor,
Chief Justice

128540-1 & (113)(114)(115)

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

TRACY NEAL, and All Others Similarly
Situated,

Plaintiffs-Appellees,
Cross-Appellants,

v

SC: 128540
COA: 253543
Washtenaw CC: 96-006986-CZ

DEPARTMENT OF CORRECTIONS, DIRECTOR
WILLIAM OVERTON, KENNETH McGINNIS,
SALLY LANGLEY, JOAN YUKINS, CLARICE
STOVALL, CAROL HOWES, ROBERT SALIS,
CORNELL HOWARD, NANCY ZANG, JOHN
ANDREWS, JAN BALDWIN, WES BONNEY,
DAVID CRUIKSHANK, JOSEPH DURIGON,
WILLIAM ELLISON, CHRISTOPHER
GALLAGHER, DAVID HABITZ, EDWARD
HOOK, JACK HUTCHINS, DENNIS IFORD,
DERLE JONES, ART LANCASTER, THOMAS
PORTMAN, ERIN RICHARDSON, RODERICK
ROBEY, ANTHONY SIMMONS, MARTIN TATE,
CHARLES WILLIAMS and LYNN WILLIAMS,

Defendants-Appellants,
Cross-Appellees,

and

FRED WELCH,

Defendant.

NICOLE ANDERSON, and All Others Similarly
Situated,

Plaintiffs-Appellees,

v

SC: 128541
COA: 256506
Ct of Claims: 03-000162-MZ

DEPARTMENT OF CORRECTIONS,
DIRECTOR PATRICIA CARUSO, WILLIAM
OVERTON and KENNETH McGINNIS,
Defendants-Appellants.

On order of the Court, the application for leave to appeal the February 10, 2005 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we REMAND this case to the Court of Appeals to consider defendants' argument regarding the applicability of the Prison Litigation Reform Act, MCL 600.5501 *et seq*, to prisoners whose claims accrued after the effective date of the act. The application for leave to appeal as cross-appellant is also considered, and it is DENIED, because we are not persuaded that the questions presented should be reviewed by this Court. The motions to lift stay and to dismiss application are DENIED.

We do not retain jurisdiction.

TAYLOR, C.J., not participating.



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I, Corbin R. Davis, 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.

December 27, 2005

Corbin R. Davis

Clerk