

Order

Michigan Supreme Court
Lansing, Michigan

November 5, 2008

Clifford W. Taylor,
Chief Justice

136298 & (99)(101)(102)(103)(104)(105)

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

GARY HENRY and ALL OTHERS SIMILARLY
SITUATED,

Plaintiff-Appellee,

v

SC: 136298
COA: 266433
Saginaw CC: 03-047775-NZ

DOW CHEMICAL COMPANY,
Defendant-Appellant.

On order of the Court, the motions for leave to file briefs amicus curiae and for miscellaneous relief are GRANTED. The application for leave to appeal the January 24, 2008 judgment of the Court of Appeals is considered, and it is GRANTED. The parties shall include among the issues to be briefed: (1) whether the “rigorous analysis” requirement for class certification that is applied in the federal courts also applies to state class actions, see *Gen Tel Co of the Southwest v Falcon*, 457 US 147, 161; 102 S Ct 2364; 72 L Ed 2d 740 (1982); (2) if so, whether the Saginaw Circuit Court engaged in the required rigorous analysis to determine if class certification was appropriate; (3) whether the plaintiffs met all of the requisites for class certification established in MCR 3.501(A)(1), including the requirement that questions of law or fact common to the members of the class predominate over questions affecting only individual members; and (4) whether the plaintiffs established that they suffered injury on a classwide basis in order to justify class certification.

The Litigation Section of the State Bar of Michigan and the Michigan Association for Justice are invited to file briefs amicus curiae. Other 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.



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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.

November 5, 2008

Corbin R. Davis

Clerk