Court of Appeals, State of Michigan

ORDER

Odessa M Hallman v Holy Cross Hospital of Detroit

Docket No. 262527

LC No. 03-310847-NH

Donald S. Owens
Presiding Judge

E. Thomas Fitzgerald

Bill Schuette
Judges

On remand from the Supreme Court, this Court declines to reconsider this matter on the original record and, instead, orders that the motion to expand the record is GRANTED. Further, the Court notes that MCL 400.707(7), not the testimony of the witnesses, established the level of supervision of the plaintiff's decedent that was required in the adult foster care home. Also, even if plaintiff could present testimony to dispute evidence that the decedent no longer met the criteria for an involuntary placement in a psychiatric hospital and that he was discharged with medication, the result would be the same. Plaintiff waived any argument that defendant Nadimpalli Raju, M.D., breached a duty of care by not keeping the decedent in a psychiatric hospital and by discontinuing his medication since this argument was not suggested by either question presented in plaintiff's brief on appeal to this Court. *English v Blue Cross Blue Shield of Michigan,* 263 Mich App 449, 459; 688 NW2d 523 (2004). Accordingly, this Court readopts and reissues its original opinion with this order.

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

AUG 1 0 2006
Date

Sandra Schultz Mengel
Chief Clerk