

Court of Appeals, State of Michigan

ORDER

Markell Vanslebrouck v Andrew Jay Halperin MD

Kathleen Jansen
Presiding Judge

Docket No. 303548

Pat M. Donofrio

LC No. 2006-074585-NH

Deborah A. Servitto
Judges

The Court orders that the motion for immediate consideration is GRANTED.

In lieu of granting leave to appeal, pursuant to MCR 7.205(D)(2), the Court orders the case remanded to the Oakland Circuit Court for a pre-trial evidentiary hearing regarding the bases for plaintiffs' causation experts' opinions, whether those opinions are based on data viewed as legitimate in the context of their area of medical expertise, and whether the opinions based on that data were reached through reliable principles and methodology. MRE 702; *Gilbert v DaimlerChrysler Corp*, 470 Mich 749, 782-783; 685 NW2d 391 (2004). The circuit court shall perform a searching inquiry as to these factors as required by MRE 702 and *Gilbert* and make specific findings regarding those factors on the record or in a written opinion.

The motion to waive the transcript required for purposes of the motion for stay, MCR 7.209(A)(3), is DENIED.

The motion for stay pending appeal is DENIED as moot.


The Court retains no further jurisdiction.



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

JUL 12 2011

Date


Chief Clerk