

Court of Appeals, State of Michigan

ORDER

Estate of Brian A Brennan-Baker v Chippewa County War Memorial
Hospital

Docket No. 318452

LC No. 11-011565-NH

William C. Whitbeck
Presiding Judge

Donald S. Owens

Amy Ronayne Krause
Judges

The Court orders that the motion to extend time for filing the answer to the motion to dismiss filed on June 23, 2014 is GRANTED so that the answer to the motion to dismiss filed on July 1, 2014 is deemed timely.

The motion to dismiss this appeal is DENIED. MCR 7.202(6)(a)(v) did not impose any burden on appellant to present evidence to the trial court that it is a governmental agency. Further, we take judicial notice that appellant is a community mental health authority and, thus, a governmental agency. See MRE 201(b); MCL 330.1205(1); MCL 691.1401(a) and (e). In this regard, the analysis in *Nash v Duncan Park*, 304 Mich App; ___ NW2d ___ (2014), actually indicates that appellant is a governmental agency for purposes of governmental immunity as an authority created pursuant to the authorization granted by the Legislature in MCL 330.1205(1). Moreover, other arguments advanced by appellees go to the merits of the appeal, specifically whether appellant is actually entitled to governmental immunity in this case, not to whether the order appealed from is a final order under MCR 7.202(6)(a)(v) as an order denying governmental immunity to a governmental party.



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

AUG 29 2014

Date


Chief Clerk