

Court of Appeals, State of Michigan

ORDER

Russell Williamson v Jiab Suleiman DO

Docket No. 330396

LC No. 15-006725-NH

Kirsten Frank Kelly
Presiding Judge

Kurtis T. Wilder

Christopher M. Murray
Judges

Pursuant to MCR 7.205(E)(2), in lieu of granting leave to appeal, the Court orders that the August 26, 2015 and November 24, 2015 orders of the Wayne Circuit Court are REVERSED. Assuming without deciding that plaintiff was entitled to file an affidavit of merit within 91 days after the filing of the complaint under MCL 600.2912d(3), and that this 91-day extension tolled the limitations period, the additional 28 days provided in MCL 600.2912d(2) for good cause shown was no longer available. This is because the 28 tolling period provided in MCL 600.2912d(2) runs not from the date the trial court grants the request, but instead "runs from the date the complaint is filed." *Castro v Goulet*, ___ Mich App ___; ___ NW2d ___ (2015). The two-year statute of limitations therefore expired before plaintiff filed his affidavit of merit. MCL 600.5805(6). The trial court erred in granting plaintiff's motion to extend the time to file the affidavit of merit and in denying defendants' motion for summary disposition.

This order is to have immediate effect. MCR 7.215(F)(2).

This Court retains no further jurisdiction.



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

APR 13 2016

Date


Chief Clerk