

Court of Appeals, State of Michigan

ORDER

Jane Doe v Hugh McQuade

Docket No. 337567

LC No. 15-105322-NO; 16-106299-NH

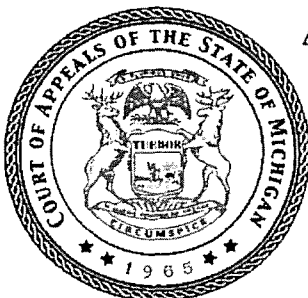
Mark J. Cavanagh
Presiding Judge

Elizabeth L. Gleicher

Colleen A. O'Brien
Judges

In lieu of granting leave to appeal, pursuant to MCR 7.205(E)(2), the Court orders that the order denying defendant Oakland Psychological Clinic P.C.'s motion for summary disposition of plaintiff's claims in Genesee Circuit Court docket number 15-105322-NO is REVERSED and the matter REMANDED to the circuit court for entry of an order granting summary disposition of plaintiff's claims. Plaintiff's complaint in circuit court docket number 15-105322-NO alleged acts committed in the course of a professional relationship and concerns questions of medical judgment beyond the realm of common knowledge and experience. Accordingly, those claims sound in medical malpractice. *Bryant v Oakpointe Villa Nursing Ctr*, 471 Mich 411, 422; 684 NW2d 864 (2004); *Dorris v Detroit Osteopathic Hosp Corp*, 460 Mich 26, 43; 594 NW2d 455 (1999). Plaintiff did not serve defendants with the Notice of Intent to File Claim required by MCL 600.2912b(1) before filing her complaint in docket number 15-105322-NO, so her claim was premature and should be dismissed. *Burton v Reed City Hospital*, 471 Mich 745, 753; 691 NW2d 424 (2005). This dismissal is without prejudice to plaintiff's ability to pursue her malpractice claims in Genesee Circuit Court docket number 16-106299-NH. In all other respect the application for leave to appeal is DENIED for failure to persuade.

This Court retains no further jurisdiction.



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

AUG 23 2017

Date

Chief Clerk