

# Court of Appeals, State of Michigan

## ORDER

Estate of Pearl Primus v Riverview Health and Rehab Ctr North

Docket No. 342671

LC No. 17-006262-NH

Thomas C. Cameron  
Presiding Judge

Karen M. Fort Hood

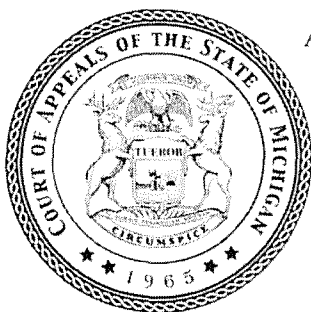
Anica Letica  
Judges

Pursuant to MCR 7.205(E)(2), in lieu of granting leave to appeal the Court orders that the Wayne Circuit Court's November 20, 2017 order denying summary disposition is REVERSED. The trial court erred in treating the wrongful death savings provision, MCL 600.5852(1), as a statute of limitations. *Waltz v Wyse*, 469 Mich 642, 648-651; 677 NW2d 813 (2004). The two-year statute of limitations applicable to plaintiff's medical malpractice claim, MCL 600.5838a(2), began to run, at the latest, on May 19, 2014. MCL 600.5838a(1). Plaintiff filed a notice of intent to sue on May 16, 2016, three days before the expiration of the statute of limitations on May 19, 2016. That 182-day notice period, MCL 600.2912b(1), ended on November 14, 2016, and the limitations period expired three days later: on November 17, 2016. Plaintiff's complaint, filed on April 25, 2017, was untimely, and her claims must be dismissed. This matter is REMANDED to the trial court for entry of an order of dismissal.

The motion for peremptory reversal is DENIED AS MOOT.

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

We do not retain jurisdiction.



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

AUG 01 2018

Date

  
Chief Clerk