

Court of Appeals, State of Michigan

ORDER

Amanda Barker Miller v Tabatha Barber DO

Docket No. 342983

LC No. 16-004614-NH

Joel P. Hoekstra
Presiding Judge

David H. Sawyer

Douglas B. Shapiro
Judges

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

Pursuant to MCR 7.205(E)(2), in lieu of granting the application for leave to appeal, the Court PEREMPTORILY REVERSES the March 8, 2018 decision of the Ottawa Circuit Court denying summary disposition as to Count II and REMANDS this matter for reconsideration of the merits of the motion in light of *Henry v Dow Chemical Co*, 473 Mich 63; 701 NW2d 684 (2005). The circuit court erred when it concluded that injury to plaintiff's fallopian tubes was actionable despite the absence of any evidence relevant to Count II that the injury resulted in any economic or non-economic damages. This order has immediate effect. MCR 7.215(F)(2). This Court does not retain jurisdiction.



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

APR 13 2018

Date

Chief Clerk