

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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SISTER LYNN HARTIGAN,

UNPUBLISHED

September 13, 1996

Plaintiff-Appellant,

v

No. 192291

L.C.No. 92-430855

ON REMAND

EDWARD J. MIKE, Ph.D., d/b/a

BRIGHTON COUNSELING, EDWARD J. MIKE,

Ph.D., CHARLES MEREDITH, PC, d/b/a

MEREDITH COUNSELING CENTER, and

CHARLES MEREDITH,

Defendants-Appellees,

and

JANICE M. FOX, MD, and MICHIGAN HEALTH  
COUNSELING CENTER,

Defendants

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Before: Gribbs, P.J., and Marilyn Kelly and Smolenski, JJ.

PER CURIAM.

This matter has been remanded to us by our Supreme Court for reconsideration in light of *Lemmerman v Fealk*, and *Williford v Bieske*, 449 Mich 56; 534 NW2d 695 (1995). The *Lemmerman* and *Williford* cases both involved plaintiffs whose memories had been repressed, and our Supreme Court concluded that neither the discovery rule nor the insanity statute extends the limitation period for tort actions allegedly delayed because of repression of memory of the assaults underlying the claims. We have reviewed our previous decision in light of *Lemmerman* and *Williford*, and again reverse.

In the case before us, plaintiff argues that she suffered from a condition of mental derangement that prevented her from comprehending rights she was otherwise bound to know, MCL 600.5851; MSA 27A.5851, and tolled the statute of limitations in this action. Plaintiff has abandoned

any claim of insanity based on repressed memory. There is no allegation that plaintiff repressed the memory of the alleged assaults by her therapist, defendant Edward J. Mike, Ph.D. Indeed, there is evidence that plaintiff was aware that defendant Mike had touched her during therapy and that she discussed the touching and other sexual happenings that occurred during therapy with subsequent therapists. In support of her claim of disability under MCL 600.5851; MSA 27A.5851, plaintiff presented deposition testimony from numerous therapists, all of whom testified that plaintiff was incapable of comprehending or acting in response to the wrong that defendant Mike perpetrated on her until November 1991. We do not believe that the holdings in *Lemmerman* or *Williford* change the analysis in this case. We remain convinced that a finder of fact could conclude from the evidence in this case that plaintiff suffered from a mental condition that triggered the one-year grace period. Accordingly, we again conclude that summary disposition was improperly granted in this case.

Reversed.

/s/ Roman S. Gibbs

/s/ Marilyn Kelly

/s/ Michael R. Smolenski