

STATE OF MICHIGAN
COURT OF APPEALS

PAUL PARSON and EMILIE PARSON,

Plaintiffs-Appellants,

v

L.D. WRIGHT, M.D., WEST MICHIGAN
EMERGENCY SERVICES, P.C., and
HACKLEY HOSPITAL,

Defendants-Not Participating,

and

PAUL FRANCIS, M.D., MUSKEGON
GENERAL HOSPITAL, and ESTATE OF
MAURICE STROMBERG,

Defendants-Appellees.

UNPUBLISHED
October 11, 1996

No. 172516
LC No. 93-029750-NM

Before: Fitzgerald, P.J., and O'Connell and T.L. Ludington,* JJ.

PER CURIAM.

Plaintiffs appeal as of right from the circuit court orders disallowing the filing of a late witness list and granting summary disposition to defendants. We reverse and remand.

The circuit court did not expressly consider the factors outlined in *Dean v Tucker*, 182 Mich App 27; 451 NW2d 571 (1990). In particular, the court did not consider whether lesser sanctions would have sufficed. *Vicencio v Jaime Ramirez, MD, PC*, 211 Mich App 501, 506-507; 536 NW2d 280 (1995). Therefore, we reverse the circuit court orders and remand for (1) findings on each of the *Dean* factors, especially whether a lesser sanction would better serve the interests of justice, and (2) reconsideration of the circuit court's decision to disallow the filing of the witness list and to grant summary disposition in favor of defendants.

* Circuit judge, sitting on the Court of Appeals by assignment.

Reversed and remanded for further proceedings consistent with this opinion. We do not retain jurisdiction.

/s/ E. Thomas Fitzgerald

/s/ Peter D. O'Connell

/s/ Thomas L. Ludington