

STATE OF MICHIGAN
COURT OF APPEALS

MARY WINGLE and RICHARD WINGLE,

UNPUBLISHED
January 17, 1997

Plaintiffs-Appellants,

v

No. 182129

Ingham County
LC No. 93-074524-NI

CAROL SLOMSKI, M.D.,

Defendant-Appellee,

and

DONALD C. SIMON, M.D. and RADIOLOGY
ASSOCIATES, P.C.,

Defendants.

Before: White, P.J., and Griffin, and D.C. Kolenda,* JJ.

MEMORANDUM.

Plaintiffs filed a medical malpractice lawsuit against defendant, alleging negligence in the detection and treatment of breast cancer due to the improper interpretation of a mammogram. The trial court granted defendant's motion for summary disposition pursuant to MCR 2.116(C)(10), reasoning that plaintiffs failed to present an expert witness qualified to establish the relevant standard of care. Plaintiffs now appeal as of right. We affirm.

Based on the expert's deposition testimony, the circuit court did not abuse its discretion in determining that Dr. Wehunt, a radiologist, was not qualified to testify as to the standard of care applicable to defendant, a surgeon specializing in oncology. MRE 702. Because plaintiffs failed to present admissible evidence of the applicable standard of care, *Wischmeyer v Schamz*, 449 Mich 469,

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

484; 536 NW2d 760 (1995), summary disposition in favor of defendant was appropriate. MCR 2.116(C)(10); *Wischmeyer, supra*; *Skinner v Square D Co*, 445 Mich 153, 161; 516 NW2d 475 (1994). Our conclusion makes it unnecessary to address the court's statement that defendant relied on the interpretation of the radiologist.

Affirmed.

/s/ Helene N. White
/s/ Richard Allen Griffin
/s/ Dennis C. Kolenda