

STATE OF MICHIGAN
COURT OF APPEALS

SUES FLEMING, Personal Representative of the
ESTATE OF ANNA M. WAGONER, Deceased,

UNPUBLISHED
April 11, 1997

Plaintiff-Appellant,

v

No. 184680
Branch Circuit Court
LC No. 93-010612-NH

DR. JOHN SENNISH and DR. JOUDAT DAOUD,

Defendants-Appellees,

and

COMMUNITY HEALTH CENTER OF BRANCH
COUNTY, DR. ROBIN I. GOODFELLOW and DR.
J. AMPARO,

Defendants.

Before: Murphy, P.J., and Markey, and A.A. Monton,* J.J.

PER CURIAM.

Plaintiff appeals as of right from an order of dismissal that was entered after the trial court denied plaintiff's motion for relief from a prior order striking her expert witnesses pursuant to MCR 2.313(B)(2) as a sanction for failing to comply with a discovery order. We affirm.

Having reviewed the record in light of the factors set forth in *Dean v Tucker*, 182 Mich App 27, 32-33; 451 NW2d 571 (1990), we find that the discovery sanction of striking plaintiff's expert witnesses, which ultimately led to the dismissal of plaintiff's action, although harsh, was not an abuse of discretion under the circumstances of this case. Compare *Barlow v John Crane-Houdaille, Inc*, 191 Mich App 244, 251-252; 477 NW2d 133 (1991); *Welch v J Walter Thompson USA, Inc*, 187 Mich

App 49, 52-54; 466 NW2d 319 (1991); *Bellock v Koths*, 163 Mich App 780, 781-783; 415 NW2d 18 (1987); *Edge v Ramos*, 160 Mich App 231, 234-235; 407 NW2d 625 (1987).

Affirmed.

Defendants being the prevailing parties, they may tax costs pursuant to MCR 7.219.

/s/ Jane E. Markey

/s/ Anthony A. Monton