

STATE OF MICHIGAN
COURT OF APPEALS

DAVID WOODS and JULIE WOODS,

Plaintiffs-Appellees,

v

BENN GILMORE, M.D., BENN GILMORE, M.D.,
P.C., d/b/a EARS NOSE & THROAT INSTITUTE
and WILLIAM BEAUMONT HOSPITAL,

Defendants,

and

SINAI HOSPITAL, d/b/a SINAI SURGERY
CENTER OF FARMINGTON HILLS,

Defendant-Appellant.

DAVID WOODS and JULIE WOODS,

Plaintiffs-Appellees,

v

BENN GILMORE, M.D., and BENN GILMORE,
M.D., P.C., d/b/a EARS NOSE & THROAT
INSTITUTE,

Defendants-Appellants,

and

UNPUBLISHED

April 28, 1998

No. 198147

Oakland Circuit Court

LC No. 96-519230 NH

No. 198157

Oakland Circuit Court

LC No. 96-519230 NH

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

SINAI HOSPITAL, d/b/a SINAI SURGERY
CENTER OF FARMINGTON HILLS, and
WILLIAM BEAUMONT HOSPITAL,

Defendants.

Before: Bandstra, P.J., and MacKenzie and N.O. Holowka*, JJ.

MEMORANDUM.

By leave granted, defendants challenge denial of their motions for summary dismissal of plaintiffs' medical malpractice action, without prejudice, for failure of plaintiffs to comply with the notice requirements of MCL 600.2912b; MSA 27A.2912(2). Further proceedings in the trial court were stayed pending this Court's decision of related issues in another case, which decision has now been rendered, *Neal v Oakwood Hospital Corp*, 226 Mich App 701; ___ NW2d ___ (1997). We now reverse and remand. These appeals are being decided without oral argument pursuant to MCR 7.214(E).

The equal protection and due process arguments raised by plaintiffs as a challenge to implementation of the statute, US Const, Am XIV, § 1, Const 1963, art 1, §§ 2 and 17, were considered in detail and rejected in *Neal, supra* at 716-721. Accordingly, denial of the motions to dismiss was erroneous.

We reverse and remand for further proceedings consistent with this opinion and with *Neal, supra*. We do not retain jurisdiction.

/s/ Richard A. Bandstra
/s/ Barbara B. MacKenzie
/s/ Nick O. Holowka