

STATE OF MICHIGAN
COURT OF APPEALS

KIMBERLY WHITE,

Plaintiff-Appellant,

v

COHEN PODIATRY, P.C. and STANLEY B.
COHEN, D.P.M.,

Defendants-Appellees.

UNPUBLISHED

June 23, 2005

No. 261137

Wayne Circuit Court

LC No. 04-408036-NH

Before: O’Connell, P.J., and Schuette and Borrello, JJ.

BORRELLO, J. (*dissenting*).

I respectfully dissent from the majority’s decision to affirm the trial court’s decision to grant summary disposition in this matter because I believe that the majority’s opinion gives MCL 600.2912b(4)(b) and (c) a far too restrictive reading. MCL 600.2912b(4)(b) and (c) were intended as notice statutes, and not, as argued by defendants and adopted by the majority, as statutes intended to deprive litigants claiming medical malpractice an opportunity to have their case heard. I additionally dissent because the guidelines allegedly laid out in *Roberts v Mecosta Co Gen Hosp (After Remand)*, 470 Mich 679, 685; 684 NW2d 711 (2004), are so vague that dismissal of the action seems unwarranted when the trial court could have allowed amendment of the notice of intent.

For these reasons, I respectfully dissent.

/s/ Stephen L. Borrello