

Order

Michigan Supreme Court
Lansing, Michigan

October 17, 2007

Clifford W. Taylor,
Chief Justice

134147

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

ROBERT AUSLANDER and CAROL
AUSLANDER,
Plaintiffs-Appellees,

v

SC: 134147
COA: 274079
Oakland CC: 2004-061286-NH

ALLAN W. CHERNICK, M.D.,
CARDIOVASCULAR SPECIALISTS, P.C.,
HOWARD S. GOLDBERG, M.D., and
HOWARD S. GOLDBERG, M.D., P.C.,
Defendants-Appellants.

On order of the Court, the application for leave to appeal the May 1, 2007 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we REVERSE the judgment of the Court of Appeals, for the reasons stated in the Court of Appeals dissenting opinion, and we REMAND this case to the Oakland Circuit Court for entry of a judgment granting the defendants' motion for summary disposition.

KELLY, J., would grant leave to appeal.



d1010

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

October 17, 2007

Corbin R. Davis

Clerk