

Order

Michigan Supreme Court
Lansing, Michigan

April 25, 2008

135705 & (22)

JAYNE A. HALL, Personal Representative of the
Estate of KEITH HALL,
Plaintiff-Appellee,

v

MERCY MEMORIAL HOSPITAL
CORPORATION and DR. JEFFREY W.
COUTURIER,

Defendants,

and

DR. SUDJONO KOSIM,
Defendant-Appellant.

Clifford W. Taylor,
Chief Justice

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

SC: 135705
COA: 276814
Monroe CC: 05-020901-NH

On order of the Court, the application for leave to appeal the October 25, 2007 order 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. As opined by the dissenting judge in the Court of Appeals, a remand for consideration of *Kirkaldy v Rim*, 478 Mich 581 (2007), is unnecessary. We REMAND this case to the Court of Appeals for consideration as on leave granted. The motion for stay is GRANTED. Trial court proceedings are stayed pending the completion of this appeal.

KELLY, J., agrees that a remand to the trial court for consideration of *Kirkaldy v Rim*, 478 Mich 581 (2007), is unnecessary, but would not remand this case to the Court of Appeals for consideration as on leave granted. Rather, she would simply deny leave in all other respects and remand this case to the trial court for reinstatement of its order denying the defendant doctor's motion for summary disposition.

CAVANAGH, J., joins the statement of KELLY, J.



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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.

April 25, 2008

Corbin R. Davis

Clerk