

# Court of Appeals, State of Michigan

## ORDER

Fatme Rizk v Ali Mahmoud Farris

Docket No. 276658

LC No. 06-610038-NI

Kurtis T. Wilder  
Presiding Judge

Michael J. Talbot

Karen M. Fort Hood  
Judges

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The Court orders, pursuant to MCR 7.205(D)(2), that the trial court's February 15, 2007 order is REVERSED. The grant or denial of leave to amend a complaint is reviewed for an abuse of discretion. See *Tierney v University of Michigan Regents*, 257 Mich App 681, 687; 669 NW2d 575 (2003). According to MCR 2.118(A)(2), leave to amend a pleading shall be freely given when justice so requires. However, leave to amend a complaint may be denied where the amendment would be futile. See *Hakari v Ski Brule, Inc*, 230 Mich App 352, 355; 584 NW2d 345 (1998). In this case, plaintiffs do not dispute that the applicable limitation period expired prior to the filing of their motion to amend the complaint, but instead rely upon the relation-back doctrine. However, the relation-back doctrine does not apply to the addition of new parties. *Miller v Chapman Contracting*, 477 Mich 102, 106; 730 NW2d 462 (2007). Since plaintiffs' claims against the proposed new parties expired before the motion to amend the complaint was filed, the proposed amendment was futile, and the trial court abused its discretion in granting the motion.

This case is REMANDED to the trial court for further proceedings consistent with this order. We do not retain jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

**AUG 02 2007**

Date

*Sandra Schultz Mengel*  
Chief Clerk