

Court of Appeals, State of Michigan

ORDER

Doris Miller v Jed Jaworski

Docket No. 283388

LC No. 07-055723-NO

Joel P. Hoekstra
Presiding Judge

William B. Murphy

Richard A. Bandstra
Judges

Pursuant to MCR 7.205(D)(2), in lieu of granting the application for leave to appeal, the Court PEREMPTORY REVERSES the January 2, 2008 order of the circuit court granting partial summary disposition in favor of defendant. A genuine issue of material fact exists with regard to the nature of the fluid drained from the brain of plaintiff Doris Miller. *West v GMC*, 469 Mich 177, 183; 665 NW2d 468 (2003). This matter is REMANDED to the circuit court for trial. This order has immediate effect. MCR 7.215(F)(2). We do not retain jurisdiction.



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

JUL - 3 2008

Date

Sandra Schultz Mengel
Chief Clerk