

# Court of Appeals, State of Michigan

## ORDER

Tyee Burke v St John Health

Docket No. 310970

LC No. 11-005193-NH

Karen M. Fort Hood  
Presiding Judge

Michael J. Talbot

Kirsten Frank Kelly  
Judges

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In lieu of granting the application, the Court orders, pursuant to MCR 7.205(D)(2), that the May 30, 2012, order of the Wayne Circuit Court granting defendants' motion to change venue hereby is REVERSED. Pursuant to MCL 600.1629(1)(d), if a county does not satisfy the criteria under MCL 600.1629(1)(a), (b), or (c), a county that satisfies the criteria under MCL 600.1621 or 600.1627 is a proper county in which to file and try an action. The statute gives no preference for either section, so if venue was proper in Wayne County under either section, then the trial court should not have granted defendants' motion. MCL 600.1621(a) provides that venue is determined in "[t]he county in which a defendant resides, has a place of business, or conducts business, or in which the registered office of a defendant corporation is located, is a proper county in which to commence and try an action." It is undisputed that the corporate defendants conduct business in Wayne County, so venue would be proper in that county. Where defendants cannot show that venue was improperly laid, venue should not have been transferred to Oakland County. The case is REMANDED to the circuit court for further proceedings consistent with this order.

This order is to have immediate effect, MCR 7.215(F)(2). The Court retains no further jurisdiction.



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

MAR 06 2013

Date

  
Chief Clerk