

**Court of Appeals, State of Michigan**

**ORDER**

Estate of Patricia A. Harnick v Midland Hospitalists PLC

Docket No. 323083

LC No. 12-008939-NH

Amy Ronayne Krause  
Presiding Judge

Donald S. Owens

Stephen L. Borrello  
Judges

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The Court orders that the motion for immediate consideration is GRANTED.

The motion for stay pending appeal is DENIED.

The application for leave to appeal is DENIED for failure to persuade the Court of the need for immediate appellate review.

Ronayne Krause, J., would grant the application for leave to appeal and grant the motion to remand based on *Potter v McLeary*, 484 Mich 397, 422-423; 774 NW2d 1 (2009). This position was explicitly explained on page 8 of appellant's application. The trial court, at the very least, should have allowed plaintiff to amend their complaint.



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

**JAN 12 2015**

Date

Chief Clerk