

Court of Appeals, State of Michigan

ORDER

Cordae Ward v Bronson Health Care Group, Inc

Docket No. 325683

LC No. 2012-000448-NH; 2013-000557-NH

Jane E. Markey
Presiding Judge

William B. Murphy

Douglas B. Shapiro
Judges

The Court orders that the motion to strike is DENIED.

Pursuant to MCR 7.205(E)(2), in lieu of granting the application for leave to appeal, the Court VACATES the January 5, 2015 and January 7, 2015 orders of the Kalamazoo Circuit Court challenged by appellants. The trial court erred when it failed to consider the range of indices of reliability listed in MCL 600.2955(1) and, thus, did not fulfill its gatekeeping role. *Clerc v Chippewa Co War Memorial Hosp*, 477 Mich 1067, 1067-1068; 729 NW2d 221 (2007). This matter is REMANDED to the trial court for reconsideration of the merits of appellants' motions after the completion of a proper inquiry concerning the reliability of plaintiff's experts' theories under *Daubert v Merrell Dow Pharm, Inc*, 509 US 579; 113 S Ct 2786; 125 L Ed 2d 469 (1993), MRE 702 and MCL 600.2955(1). The trial court need not conduct an evidentiary hearing unless the court concludes that an evidentiary hearing will assist the court in conducting a sufficiently searching inquiry under *Daubert*, MRE 702 and MCL 600.2955(1) to ascertain the reliability of plaintiff's experts' testimony. This order has immediate effect. MCR 7.215(F)(2). The Court does not retain jurisdiction.



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

JUL 07 2015

Date

Jerome W. Zimmer Jr.
Chief Clerk