

# Court of Appeals, State of Michigan

## ORDER

Irwin H Estrine DO v VHS Huron Valley-Sinai Hospital Inc

Mark J. Cavanagh  
Presiding Judge

Docket No. 327870

Elizabeth L. Gleicher

LC No. 2012-129599-NH

Colleen A. O'Brien  
Judges

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The Court orders that the motion to dismiss this appeal is DENIED. We conclude that plaintiffs-appellants filed an untimely claim of appeal from the May 21, 2015, judgment of no cause for action, the final order in this case. MCR 7.202(6)(a)(i); MCR 7.203(A)(1); MCR 7.204(A). However, we treat the claim of appeal as a delayed application for leave to appeal and grant the application so this appeal may proceed to a resolution on the merits. Defendants-appellees waited over six months to file a motion to dismiss and there would be significant prejudice to plaintiffs-appellants in terms of delay if they had to start over at this point by filing a delayed application for leave to appeal. Further, plaintiffs-appellants should not be penalized for any confusion caused by the issuance of duplicative orders.



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

**FEB 04 2016**

Date

Chief Clerk