

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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ESTELLE L. TAPANINEN and UUNO  
TAPANINEN

UNPUBLISHED  
July 12, 1996

Plaintiffs-Appellees,

v

No. 180275  
LC No. 94-1096-NH

MARK WILFORD PULS, M.D., and MICHAEL  
HARTZLER, M.D.,

Defendants-Appellants,  
Cross-Appellees,

and

ALPENA GENERAL HOSPITAL,

Defendant-Appellee,  
Cross-Appellant.

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Before: O'Connell, P.J., and Sawyer and Bandstra, JJ.

MEMORANDUM.

Defendants appeal by leave granted the order of the circuit court denying their respective motions for summary disposition. We reverse.

The question of law presented by the present case was recently addressed in *Morrison v Dickinson*, \_\_\_ Mich App \_\_\_; \_\_\_ NW2d \_\_\_ (Docket Nos. 179207, 179635, issued 6/21/96). For the reasons set forth in *Morrison*, the tolling provision of MCL 600.5856(d); MSA 27A.5856(4), is deemed to apply to plaintiffs despite the language to the contrary set forth in 1993 PA 78, § 4(1). Nevertheless, because plaintiffs failed to comply with the 182-day notice requirement of MCL 600.2912b; MSA 27A.2912(2), the circuit court erred in denying defendants' motions for summary disposition.

Reversed. The circuit court is directed to enter an order granting summary disposition without prejudice in favor of defendants. Plaintiffs are free to refile their cause of action immediately, the 182-day notice period long having expired.

/s/ Peter D. O'Connell  
/s/ David H. Sawyer  
/s/ Richard A. Bandstra