

Order

Michigan Supreme Court
Lansing, Michigan

February 1, 2008

Clifford W. Taylor,
Chief Justice

133588

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

KENDRIC WATTS, Individually and
as Personal Representative of the Estate
of Vera Watts, Deceased,
Plaintiff-Appellee,

v

SC: 133588
COA: 267551
Wayne CC: 05-519594-NH

HENRY FORD HEALTH SYSTEMS,
d/b/a HENRY FORD HOSPITAL, and
CENTER FOR SENIOR INDEPENDENCE,
Defendants,

and

TRINITY CONTINUING CARE
SERVICES, d/b/a ST. JOSEPH'S
LIVING CENTER,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the January 12, 2007 order of the Court of Appeals is considered, and it is DENIED. Pursuant to MCL 600.5838a(1), a claim for medical malpractice “accrues at the time of the act or omission that is the basis for the claim of medical malpractice.” In this case, the last date the defendant had any contact with the decedent was January 2, 2003, as shown by the decedent’s medical records and as admitted by the plaintiff in his answer to the defendant’s motion in the trial court. Therefore, plaintiff’s claim for medical malpractice accrued no later than January 2, 2003. Accordingly, the period of limitations would have expired on January 2, 2005; however, because this was a Sunday, pursuant to MCR 1.108(1), the notice of intent that was filed on January 3, 2005, was timely. The notice of intent tolled the period of limitations for 182 days, and, thus, the complaint that was filed on July 1, 2005, was also timely.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

February 1, 2008

Corbin R. Davis

Clerk