

Order

Michigan Supreme Court
Lansing, Michigan

June 18, 2010

Marilyn Kelly,
Chief Justice

139978

Michael F. Cavanagh
Elizabeth A. Weaver
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman
Diane M. Hathaway,
Justices

DUJUAN LIGONS, Personal Representative of
the Estate of EDRIS LIGONS,
Plaintiff-Appellant,

v

SC: 139978
COA: 278622
Oakland CC: 06-073762-NH

CRITTENTON HOSPITAL, a/k/a CRITTENTON
HOSPITAL MEDICAL CENTER, DAVID
BRUCE BAUER, M.D., and ROCHESTER
EMERGENCY GROUP, P.C.,
Defendants-Appellees.

On order of the Court, the application for leave to appeal the August 18, 2009 judgment of the Court of Appeals is considered, and it is GRANTED. The parties shall include among the issues to be briefed: (1) whether the plaintiff may amend his affidavits of merit in light of *Bush v Shabahang*, 484 Mich 156 (2009), and/or MCL 600.2301, and (2) whether the recent amendment of MCR 2.118 applies to the plaintiff's affidavits of merit.

The Michigan Association for Justice and the Michigan Defense Trial Counsel, Inc. are invited to file briefs amicus curiae. Other persons or groups interested in the determination of the issues presented in this case may move the Court for permission to file briefs amicus curiae.

CORRIGAN, J. (*dissenting in part*).

I would not grant leave with regard to question "(2) whether the recent amendment of MCR 2.118 applies to the plaintiff's affidavits of merit." This question was expressly resolved by this Court's February 16, 2010 order amending MCR 2.118. The order specified that the amendment was "effective May 1, 2010." 485 Mich ccxvi (2010). Clearly the amendment cannot apply here; it took effect not only long after plaintiff filed his affidavits of merit, but after the Court of Appeals issued its opinion and, indeed, even after plaintiff filed his application in this Court. Accordingly, we waste time and

resources—of the parties, of organizations filing briefs amicus curiae, and of this Court—by directing the parties to address whether the amended version of MCR 2.118 should apply in this case.



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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.

June 18, 2010

A handwritten signature in cursive script that reads "Corbin R. Davis".

Clerk