

Order

Michigan Supreme Court
Lansing, Michigan

November 23, 2009

Marilyn Kelly,
Chief Justice

138983-4

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

LYNN M. ROUSSEAU, Personal
Representative of the Estate of KELLY
SUE ROUSSEAU, Deceased,
Plaintiff-Appellant,

v

SC: 138983-4
COA: 280441; 281093
Chippewa CC: 05-007915-NH

KRISTINA MASUGA, M.D., TIMOTHY
TETZLAFF, D.O., JOHN OCKENFELS,
D.O., RIVERSIDE MEDICAL ASSOCIATES,
P.C., and TENDERCARE, INC.,
Defendants-Appellees.

On order of the Court, the application for leave to appeal the April 21, 2009 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we VACATE the judgment of the Court of Appeals in part and the order of the Chippewa Circuit Court granting defendant Tendercare's motion for summary disposition, and we REMAND this case to the Chippewa Circuit Court for reconsideration of that defendant's motion in light of this Court's decisions in *Bush v Shabahang*, 484 Mich 156 (2009), and *Potter v McLeary*, 484 Mich 397 (2009), and MCL 600.2301.



d1116

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.

November 23, 2009

Corbin R. Davis

Clerk