

Order

Michigan Supreme Court
Lansing, Michigan

February 5, 2016

Robert P. Young, Jr.,
Chief Justice

151421

Stephen J. Markman
Brian K. Zahra
Bridget M. McCormack
David F. Viviano
Richard H. Bernstein
Joan L. Larsen,
Justices

TOD McLAIN, Personal Representative of the
ESTATE OF TRACY McLAIN,
Plaintiff-Appellant,

v

SC: 151421
COA: 318927
Ingham CC: 11-000859-NH

LANSING FIRE DEPARTMENT, CITY OF
LANSING, and JEFFREY WILLIAMS,
Defendants-Appellees,

and

MICHAEL DEMPS,
Defendant.

On order of the Court, the application for leave to appeal the March 3, 2015 judgment of the Court of Appeals is considered. We direct the Clerk to schedule oral argument on whether to grant the application or take other action. MCR 7.305(H)(1). The parties shall file supplemental briefs within 42 days of the date of this order addressing: (1) whether the hospital intern's medical progress notes indicating that the plaintiff's decedent had been observed with the breathing tube lodged in her esophagus were admissible evidence; and (2) if so, whether the Court of Appeals correctly ruled that even if they were admissible, the notes were insufficient to create a question of fact as to whether the defendants were grossly negligent. The parties should not submit mere restatements of their application papers.



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I, Larry S. Royster, 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 5, 2016


Clerk