

Court of Appeals, State of Michigan

ORDER

TIMOTHY SIMPSON V PAUL D CROISSANT

Docket No. 300155

LC No. 2009-103371-NH

Pat M. Donofrio
Presiding Judge

Henry William Saad

Deborah A. Servitto
Judges

The Court orders that the motion for immediate consideration is GRANTED.

The motion for leave to file a late answer is GRANTED and the answer filed with the motion is accepted.

Pursuant to MCR 7.205(D)(2), the Court orders that the Oakland Circuit Court's August 20, 2010 order denying defendant Trinity Health's motion for partial summary disposition of plaintiff's claims of vicarious liability for Dr. Croissant is REVERSED. There were no genuine issues of material fact that defendant Croissant was not an employee of the hospital, that plaintiff had an existing physician-patient relationship with Dr. Croissant before the surgery at defendant's hospital, and that defendant Trinity Health did not commit any acts or omissions which could have led plaintiff to reasonably believe that Dr. Croissant was an agent of Trinity Health. Since plaintiffs presented no evidence supporting their argument of an ostensible agency relationship between Croissant and Trinity Health, Trinity Health is entitled to summary disposition of plaintiffs' claims based on the alleged negligence of Dr. Croissant. *Grewe v Mt Clemens Hospital*, 404 Mich 240; 273 NW2d 429 (1978); *VanStelle v Macaskill*, 255 Mich App 1; 662 NW2d 41 (2003); *Zdrojewski v Murphy*, 254 Mich App 50; 657 NW2d 721 (2002).

This Court retains no further jurisdiction.



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

MAR 16 2011

Date


Chief Clerk