

Court of Appeals, State of Michigan

ORDER

Savitri Bhama MD v Dwight Teachworth

E. Thomas Fitzgerald
Presiding Judge

Docket No. 313298

Kathleen Jansen

LC No. 02-042628-NM

Elizabeth L. Gleicher
Judges

Pursuant to MCR 7.205(D), in lieu of granting leave to appeal, the Court orders that the August 6, 2012 order of the Oakland Circuit Court dismissing plaintiff's case for lack of progress and denying plaintiff's motion to reinstate the case is REVERSED. Pursuant to MCR 2.502(A), in a case where no steps have been taken to advance the litigation for 91 days or more, the court may order that the case will be dismissed for lack of progress. Because there appears to have been proceedings taken within 91 days of the notice of proposed dismissal and the lack of progress was not attributable to the plaintiff, the trial court abused its discretion when it dismissed plaintiff's case for lack of progress pursuant to MCR 2.502.

The matter is REMANDED for further proceedings not inconsistent with this order.

Pursuant to MCR 7.215(F)(2), this order shall take immediate effect. The Court retains no further jurisdiction



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

SEP 10 2013

Date

Jerome W. Zimmer Jr.
Chief Clerk