

Order

Michigan Supreme Court
Lansing, Michigan

October 24, 2007

Clifford W. Taylor,
Chief Justice

133101

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

LI XIAOXIN,
Plaintiff-Appellant,

v

SC: 133101
COA: 273015
Washtenaw CC: 04-001177-NH

DELOLSTEEN BROWN, M.D., a/k/a
DELOISTEEN BROWN, M.D., ST. JOSEPH
MERCY HOSPITAL, and NEIGHBORHOOD
HEALTH CLINIC,
Defendants-Appellees.

On order of the Court, the application for leave to appeal the December 21, 2006 order of the Court of Appeals is considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we MODIFY the Court of Appeals order remanding this case for entry of an order dismissing the complaint to provide that any order dismissing the complaint should be without prejudice. See *Kirkaldy v Rim*, 478 Mich 581 (2007). In the event that the Washtenaw Circuit Court entered an order dismissing the complaint *with* prejudice because the Court of Appeals gave its order immediate effect, that order is VACATED and the court is directed to enter an order consistent with this order. In all other respects, leave to appeal is DENIED, because we are not persuaded that the remaining question presented should be reviewed by this Court.



11017

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.

October 24, 2007

Corbin R. Davis

Clerk