

Order

Michigan Supreme Court
Lansing, Michigan

October 24, 2011

Robert P. Young, Jr.,
Chief Justice

141407

Michael F. Cavanagh
Marilyn Kelly
Stephen J. Markman
Diane M. Hathaway
Mary Beth Kelly
Brian K. Zahra,
Justices

BETH HOFFMAN, Personal Representative of
the Estate of EDGAR BROWN, Deceased,
Plaintiff-Appellee,

v

SC: 141407
COA: 289011
Calhoun CC: 2003-003576-NH

DR. PETER BARRETT,
Defendant-Appellant.

By order of November 22, 2010, the application for leave to appeal the June 3, 2010 judgment of the Court of Appeals was held in abeyance pending the decisions in *Ligons v Crittendon Hosp* (Docket No. 139978) and *Green v Pierson* (Docket No. 140808).

On order of the Court, the application for leave to appeal in *Green v Pierson* having been denied on March 18, 2011, 489 Mich 854 (2011), and the case of *Ligons v Crittendon Hosp* having been decided on July 29, 2011, 490 Mich 61 (2011), the application is again considered and, pursuant to MCR 7.302(H), in lieu of granting leave to appeal, we VACATE the Court of Appeals opinion and REMAND this case to that court for reconsideration in light of this Court's decision in *Ligons, supra*.

CAVANAGH, J., dissents for the reasons set forth in his dissenting opinion in *Ligons v Crittendon Hosp*, 490 Mich 61, 90-97 (2011).

MARILYN KELLY, J., would grant leave to appeal to reconsider *Ligons v Crittendon Hosp*, 490 Mich 61 (2011).



d1017

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, 2011

Corbin R. Davis

Clerk