

Order

Michigan Supreme Court
Lansing, Michigan

April 13, 2012

Robert P. Young, Jr.,
Chief Justice

142914

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

RODNEY HANNA,
Plaintiff-Appellee,

v

SC: 142914
COA: 289513
Wayne CC: 07-732805-NH

DARIO MERLOS, D.D.S.,
Defendant-Appellant.

On April 5, 2012, the Court heard oral argument on the application for leave to appeal the March 3, 2011 judgment of the Court of Appeals. On order of the Court, the application is again considered. MCR 7.302(H)(1). In lieu of granting leave to appeal, we REVERSE the judgment of the Court of Appeals and we REMAND this case to the Wayne Circuit Court for entry of an order granting summary disposition to the defendant. The plaintiff failed to “file with the complaint an affidavit of merit . . .” as required by MCL 600.2912d(1). See *Scarsella v Pollack*, 461 Mich 547, 549 (2000), and *Ligons v Crittenton Hospital*, 490 Mich 61, 84, 85 (2011).

CAVANAGH, MARILYN KELLY, and HATHAWAY, JJ., would deny leave to appeal.



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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.

April 13, 2012

Corbin R. Davis

Clerk