

# Order

Michigan Supreme Court  
Lansing, Michigan

January 22, 2008

Clifford W. Taylor,  
Chief Justice

135052

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

ALLEN M. HARTMAN, Personal  
Representative of the Estate of  
Mary Lou Hartman,  
Plaintiff-Appellant,

v

SC: 135052  
COA: 257536  
St. Clair CC: 02-000445-NH

PORT HURON HOSPITAL,  
FORREST BRYAN FERNANDEZ,  
M.D., and JALAL UD-DIN AKBAR,  
M.D.,  
Defendants-Appellees.

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On order of the Court, the application for leave to appeal the September 6, 2007 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we REVERSE the judgment of the Court of Appeals because the plaintiff falls within the class of plaintiffs entitled to relief identified in our order in *Mullins v St Joseph Mercy Hospital* (Docket No. 131879), \_\_\_ Mich \_\_\_ (decided 11/28/07). We REMAND this case to the St. Clair Circuit Court for entry of an order denying the defendants' motion for summary disposition and for further proceedings not inconsistent with this order and the order in *Mullins*. In addition, we direct the St. Clair Circuit Court to enter an order granting the motion to substitute the successor personal representative as the plaintiff in this action, consistent with MCL 700.3613.



10114

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.

January 22, 2008

*Corbin R. Davis*

Clerk