

Order

Michigan Supreme Court
Lansing, Michigan

November 4, 2009

Marilyn Kelly,
Chief Justice

134640-1 & (70)

Michael F. Cavanagh
Elizabeth A. Weaver
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman
Diane M. Hathaway,
Justices

VICKI L. ZUNICH, Individually, as Next
Friend for CHARLES ZUNICH, a Minor, as
Next Friend for MATTHEW ZUNICH, a
Minor, and as Personal Representative of the
Estate of STEVEN J. ZUNICH, Deceased,
Plaintiff-Appellant,

v

SC: 134640
COA: 265027
Midland CC: 03-005843-NH

FAMILY MEDICINE ASSOCIATES OF
MIDLAND, P.C., JERRY L. FERRELL,
M.D., and ROBERTA L. CORBAT,
Defendants-Appellees.

VICKI L. ZUNICH, Individually, as Next
Friend for CHARLES ZUNICH, a Minor, as
Next Friend for MATTHEW ZUNICH, a
Minor, and as Personal Representative of the
Estate of STEVEN J. ZUNICH, Deceased,
Plaintiff-Appellant,

v

SC: 134641
COA: 265028
Midland CC: 02-005382-NH

MIDMICHIGAN MEDICAL CENTER-
MIDLAND, JEFFREY S. NEWMAN, M.D.,
FAMILY MEDICINE ASSOCIATES OF
MIDLAND, P.C., a/k/a FAMILY PRACTICE
ASSOCIATES OF MIDLAND, P.C.,
KENNETH M. MACKINNON, M.D.,
JAMES H. FRYE, M.D., MIDMICHIGAN
HEALTH, and FAITH D. FUENTES, M.D.,
Defendants-Appellees.

On order of the Court, the motion for miscellaneous relief is GRANTED. The application for leave to appeal the May 15, 2007 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we VACATE the judgment of the Court of Appeals and the orders of the Midland Circuit Court granting the defendants' motions for summary disposition, and we REMAND this case to the Midland Circuit Court for reconsideration in light of *Bush v Shabahang*, 484 Mich 156 (2009), and *Potter v McLeary*, 484 Mich 397 (2009).



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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.

November 4, 2009

A handwritten signature in cursive script that reads "Corbin R. Davis".

Clerk