Court of Appeals, State of Michigan

ORDER

Allie Greenleaf Maldonado
Presiding Judge

Christopher M. Murray

Andrew J. Lievense
Judges

ESTATE OF BRANDON BILLS V COVENANT MEDICAL CENTER

Docket No. 379485

LC No. 20-043477-NH

The motion for immediate consideration is GRANTED.

The application for leave to appeal is DENIED for failure to persuade the Court of the need for immediate appellate review.

Presiding Judge

Murray, J. (*dissenting in part*). I concur in denying leave to appeal on the economic damages argument, but in lieu of granting leave to appeal, I would reverse the trial court's order denying Dr. Hruby's motion for summary disposition. MCR 7.215(E)(2). Plaintiff's theory was that Dr. Hruby failed to supervise the physicians who worked in his lab and that the lab lacked adequate guidelines for when a specialist should be consulted. However, it is undisputed that Dr. Hruby never examined anything pertinent to this case, that plaintiff's expert, Dr. Said, could not identify any involvement by Dr. Hruby with any alleged negligence, and that any acts or omissions at issue are those of other defendants. Plaintiff cannot hold Dr. Hurby liable for the actions of others; rather, Covenant, a named defendant, is the entity that can be held liable for the actions of those physicians under the doctrine of respondeat superior. Nor can the lab's internal policies establish the appropriate standard of care. See *Meyers v Rieck*, 509 Mich 460, 475; 983 NW2d 747 (2022). For these reasons, there is no factual or legal basis upon which to impose liability against Dr. Hruby, and he should have been dismissed from this matter.

A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

July 6, 2026
Date

Chief Clerk