Court of Appeals, State of Michigan

ORDER

DH V DETROIT MEDICAL CENTER

Docket No. 380222

LC No. 25-010264-NH

Michael F. Gadola
Presiding Judge

Stephen L. Borrello

Thomas C. Cameron
Judges

Pursuant to MCR 7.205(E)(2), in lieu of granting the application, the trial court's February 25, 2026 order is REVERSED IN PART, and the matter REMANDED for further proceedings consistent with this order. The trial court erred to the extent it held that MCL 600.5851(1) is a basis in this case to deem the complaint timely. The suit was filed far more than six years after the accrual of the claim. While plaintiff alleges that the insanity tolling provision of MCL 600.5851(1) applies in this case, MCL 600.5851(1) is not an exception to the six-year "cap" stated in MCL 600.5838a(2). "Therefore, even under the insanity saving provision of § 5851(1), a medical malpractice claimant only has six years to file a complaint." *Vega v Lakeland Hosp*, 479 Mich 243, 247 n 3; 736 NW2d 561 (2007). Because this suit was filed more than six years after the accrual of the claim, plaintiff cannot rely on MCL 600.5851(1) to render the complaint timely, and the trial court erred by holding otherwise. In all other respects, leave to appeal is DENIED for failure to persuade the Court of the need for immediate appellate review.

This order is to have immediate effect. MCR 7.215(F)(2). We do not retain jurisdiction.

Presiding Judge

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

July 24, 2026
Date

Chief Clerk