Court of Appeals, State of Michigan

ORDER

ESTATE OF JUNE ELLEN KENNEDY-BYRNE V MILFORD OPCO

Docket No. 378373

LC No. 2025-215036-NH

Thomas C. Cameron
Presiding Judge

Mark T. Boonstra

James Robert Redford
Judges

Pursuant to MCR 7.205(E)(2), in lieu of granting the application for leave to appeal, the Court REVERSES IN PART the October 31, 2025 order compelling arbitration insofar as the trial court ordered defendants-appellants Dr. Christina Blevins, D.O., Inpatient Consultants of Michigan, PC, and Aaron Frey, N.P., to participate in arbitration. Arbitration is a matter of contract, and as nonparties to the arbitration agreement, defendants-appellants cannot be forced to arbitrate the claims against them. See *AFSCME Council 25 v Wayne Co*, 292 Mich App 68, 80; 811 NW2d 4 (2011). The trial court cited *Altobelli v Hartmann*, 499 Mich 284; 884 NW2d 537 (2016), to support that agency principles apply to determining who is within the scope of an arbitration agreement. However, in *Altobelli*, the agents at issue—who sought to enforce the arbitration provision—all signed the agreement. *Id*. at 288, 292-293 & n 3. In comparison, the current case involves "resisting nonsignator[ies]." See *Demerse v Helen Newberry Joy Hosp*, ___ Mich App ___, ___; ___ NW3d ___ (2026) (Docket No. 373567); slip op at 7-9. Assuming arguendo that defendants-appellants are agents of Medilodge, Medilodge lacked authority to contract away defendant-appellants' right to litigate their personal liability on the claims against them, and agency principles cannot be applied to compel defendants-appellants to engage in arbitration. See *id*. The trial court's order is reversed, in part, insofar as the trial court compelled defendants-appellants to submit to arbitration, and the case is remanded for further proceedings not inconsistent with this order.

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 29, 2026
Date

Chief Clerk