

# Order

Michigan Supreme Court  
Lansing, Michigan

June 19, 2019

Bridget M. McCormack,  
Chief Justice

159002

David F. Viviano,  
Chief Justice Pro Tem

ROBERT F. BROZ and KIMBERLY BROZ,  
Plaintiffs-Appellants,

Stephen J. Markman  
Brian K. Zahra  
Richard H. Bernstein  
Elizabeth T. Clement  
Megan K. Cavanagh,  
Justices

v

SC: 159002  
COA: 340381  
Otsego CC: 12-014346-NM

PLANTE & MORAN, PLLC,  
Defendant-Appellee.

---

On order of the Court, the application for leave to appeal the December 11, 2018 judgment of the Court of Appeals is considered and, pursuant to MCR 7.305(H)(1), in lieu of granting leave to appeal, we VACATE Part II.A. of the Court of Appeals judgment addressing professional negligence (malpractice), and we REMAND this case to that court for reconsideration of that issue in light of *Cox v Flint Bd of Hosp Mgrs*, 467 Mich 1 (2002) (holding MCL 600.2912a does not apply to nurses). In all other respects, leave to appeal is DENIED, because we are not persuaded that the remaining question presented should be reviewed by this Court.

We do not retain jurisdiction.



t0612

I, Larry S. Royster, 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.

June 19, 2019

Clerk