Order

Michigan Supreme Court
Lansing, Michigan

November 13, 2026

Megan K. Cavanagh,
Chief Justice

Brian K. Zahra
Richard H. Bernstein
Elizabeth M. Welch
Kyra H. Bolden
Kimberly A. Thomas
Noah P. Hood,
Justices

SC: 169999
COA: 369013
Washtenaw CC: 23-000412-NH

DARLENE L. BROOKER, Personal Representative of the ESTATE OF GLENN STEVEN BROOKER,
Plaintiff-Appellant,

v

TRINITY HEALTH MICHIGAN, formerly known as ST. JOSEPH MERCY HEALTH SYSTEM, WEN JING CHUNG, MD, and GLOBAL ANESTHESIA SOLUTIONS, PLLC,
Defendants-Appellees.

On order of the Court, the application for leave to appeal the March 19, 2026 judgment of the Court of Appeals is considered. We direct the Clerk to schedule oral argument on the application. MCR 7.305(I)(1). The parties shall file supplemental briefs in accordance with MCR 7.312(E) and shall include among the issues to be briefed: (1) whether *Burton v Reed City Hosp Corp*, 471 Mich 745 (2005), and/or *Tyra v Organ Procurement Agency of Mich*, 498 Mich 68 (2015), were decided correctly, see *Ottgen v Katranji*, 511 Mich 223 (2023); (2) if *Burton* and/or *Tyra* were wrongly decided, whether they should nonetheless be retained under principles of stare decisis, see *Robinson v Detroit*, 462 Mich 439, 464 (2000); (3) whether plaintiff's medical malpractice complaint tolled the statute of limitations; and (4) whether MCL 600.2301 applies to a complaint that is filed before the expiration of MCL 600.2912b's notice period. The total time allowed for oral argument shall be 40 minutes: 20 minutes for appellant, and 20 minutes for appellees, to be divided at their discretion. MCR 7.314(B)(2).

The Michigan Association for Justice, Michigan Defense Trial Counsel, Inc., and Negligence Law Section of the State Bar of Michigan are invited to file briefs amicus curiae. Other persons or groups interested in the determination of the issues presented in this case who are not exempt from the motion requirement under MCR 7.312(H) may move the Court for permission to file briefs amicus curiae.

I, Elizabeth Kingston-Miller, 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 13, 2026

Clerk