

STATE OF MICHIGAN
COURT OF APPEALS

ROBERT COUCH, guardian of ANTHONY
COUCH,

UNPUBLISHED

Plaintiff-Appellant,

v

No. 180423

Wayne Circuit Court

HENRY FORD HEALTH SYSTEM, d/b/a,
HENRY FORD HOSPITAL,

LC No. 92-234063-NH

Defendant-Appellee.

Before: Marilyn Kelly, P.J., and Mackenzie and J. R. Ernst,* JJ.

MARILYN KELLY, P.J. (dissenting).

I respectfully dissent.

I agree that plaintiff's expert was unable to identify a specific time period within which surgery should have been performed. His testimony was that plaintiff's son was stable when examined as an outpatient on August 29, 1988. Therefore, according to the standard of care, he should have been scheduled for surgery as soon as reasonably possible after that date. He noted that the chances of a second hemorrhage vastly increase after an initial hemorrhage, and the untreated condition is equivalent to a "time bomb" that could explode at any moment. Because defendant failed even to schedule the surgery, a jury could conclude that it had breached the standard of care to perform surgery as soon as reasonably possible.

/s/ Marilyn Kelly

* Circuit judge, sitting on the Court of Appeals by assignment.