

STATE OF MICHIGAN  
COURT OF APPEALS

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CYNTHIA FISCHER,

Plaintiff-Appellant,

v

MICHAEL LUTZ, M.D., and SINAI HOSPITAL,

Defendants-Appellees.

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UNPUBLISHED

August 22, 1997

No. 192955

Wayne Circuit Court

LC No. 95-514422-NH

Before: Sawyer, P.J., and Bandstra and E. A. Quinnell\*, JJ.

MEMORANDUM.

Plaintiff appeals as of right from the summary dismissal of her medical malpractice action, following a determination by the trial court that her action was barred by the statute of limitations. We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

Plaintiff failed to file her malpractice action within two years of defendants' alleged May 1991 failure to correctly diagnosis her medical condition. MCL 600.5838a(1); MSA 27A.5838(1)(1); *Solowy v Oakland Hosp Corp*, 454 Mich 214; 561 NW2d 843 (1997). We decline plaintiff's invitation to save her action by applying the "continuing wrong" legal concept. *Heisler v Rogers*, 113 Mich App 630, 636-637; 318 NW2d 503 (1992). When plaintiff's action accrued for purposes of the statute of limitations is controlled solely by statute. See e.g., *Gebhardt v O'Rourke*, 444 Mich 535, 541-544; 510 NW2d 900 (1994).

Plaintiff also failed to file her action within six months of when plaintiff discovered or should have discovered her claim. The six-month discovery period begins to run in medical malpractice cases when the plaintiff, on the basis of objective facts, is aware of a possible cause of action. *Solowy, supra*. This occurs when the plaintiff is aware of an injury and a possible link between the injury and an act or omission of the physician. *Solowy, supra*. On the instant record, plaintiff had sufficient objective facts

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

as of her August 1993 hospitalization to be aware of an injury and a possible casual link between the injury and any relevant omission of defendants. Plaintiff failed to file her action within six months of this hospitalization.

Affirmed.

/s/ David H. Sawyer

/s/ Richard A. Bandstra

/s/ Edward A. Quinnell