

STATE OF MICHIGAN
COURT OF APPEALS

GINGER OLDHAM,

Plaintiff-Appellee/Cross-Appellant,

v

BLUE CROSS AND BLUE SHIELD OF
MICHIGAN and DAVID BARTHEL,

Defendants-Appellants/Cross-
Appellees.

UNPUBLISHED

March 5, 2002

No. 196747

Wayne Circuit Court

LC No. 94-407474-NO

ON REMAND

Before: Holbrook, Jr., P.J., and Markey and Whitbeck, JJ.

MARKEY, J. (*concurring*).

I concur with Judge Whitbeck's opinion because I believe he has correctly applied the law to the facts of this case. I do so, however, very reluctantly and because I am obliged to. But, in fact, I think that Judge Holbrook has succinctly and precisely articulated the same concerns I have as to the status of the law on this issue, and I hope that our Supreme Court soon revisits its position.

/s/ Jane E. Markey