

STATE OF MICHIGAN
COURT OF APPEALS

ROBERT COSTA, Personal Representative of the
ESTATE OF JAYNE J. COSTA, Deceased,

Plaintiff-Appellee,

v

OTTO GAGO, M.D.,

Defendant-Appellant,

and

MICHIGAN HEART & VASCULAR
INSTITUTE, INC, and ST. JOSEPH MERCY
HOSPITAL ANN ARBOR, a/k/a TRINITY
HEALTH – MICHIGAN,

Defendants.

Before: Smolenski, P.J., and Schuette and Borrello, JJ.

BORRELLO, J. (*concurring*).

I am forced to concur in the result of this case only because I am bound by what I believe are two erroneously decided decisions by this Court: *Farley v Advanced Cardiovascular Health Specialists, PC*, 266 Mich App 566; 703 NW2d 115 (2005) and *Ousley v McLaren*, 264 Mich App 486; 691 NW2d 817 (2004).

/s/ Stephen L. Borrello