

STATE OF MICHIGAN
COURT OF APPEALS

BETHANY BRABANT, Conservator of the Estate
of MELISSA BRABANT, and Minor, and the
Estate of DAVID BRABANT, a Minor,

UNPUBLISHED
December 20, 2005

Plaintiff-Appellant/Cross Appellee,

v

No. 263168
St. Clair Circuit Court
LC No. 02-001060-NH

ST. JOHN RIVER DISTRICT HOSPITAL, f/k/a
RIVER DISTRICT HOSPITAL,

Defendant-Appellee/Cross
Appellant,

and

MICHAEL PRIEBE, M.D., and RONALD ERICK
BATTIATA, M.D.,

Defendants-Appellees.

Before: Cavanagh, P.J., and Cooper and Donofrio, JJ.

COOPER, J. (*concurring*).

I concur with the majority opinion of my colleagues. This writer would have remanded for a *Daubert*¹ hearing, but for the argument of the plaintiff's counsel in the trial court that a hearing was not required in this case.

/s/ Jessica R. Cooper

¹ *Daubert v Merrill Dow Pharmaceuticals, Inc.*, 509 US 579; 113 S Ct 2786; 125 L Ed 2d 469 (1993).