

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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PEGGY AHONEN,

Plaintiff-Appellant,

v

GARDEN CITY HOSPITAL, MED STOP  
CLINIC, BOTSFORD HOSPITAL, DR.  
RICHARDSON, D.O., DR. KLEIMAN, D.O.,  
GERALD F. ROBBINS, D.O., ANNE PAWLAK-  
SIMPSON, D.O., MICHIGAN INSTITUTE FOR  
NEUROLOGICAL DISORDERS, DETROIT  
INSTITUTE OF PHYSICAL MEDICINE &  
REHABILITATION, and DR. STEVEN  
EDWARD NEWMAN,

Defendants-Appellees,

and

DR. GIBSON and MEDICOLEGAL SERVICES,  
INC.,

Defendants.

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Before: Owens, P.J., and Neff and White, JJ.

PER CURIAM.

Plaintiff appeals as of right, challenging several opinions and orders granting summary disposition in favor of defendants pursuant to MCR 2.116(C)(7) and (8). We affirm.

Plaintiff filed this medical malpractice action in January 2005, based on treatment she received from defendants in 1992 and 1993. The circuit court determined that plaintiff's claims were barred by the statute of limitations, MCL 600.5805(6) and MCL 600.5838a(2), and that dismissal of plaintiff's complaint was also warranted because plaintiff failed to comply with the notice-of-intent requirement of MCL 600.2912b(1), and the affidavit-of-merit requirement of MCL 600.2912d(1). The circuit court additionally determined that plaintiff failed to state a claim on which relief could be granted with respect to defendants Dr. Gerald F. Robbins and Medicolegal Services, Inc.

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February 27, 2007

No. 264072  
Wayne Circuit Court  
LC No. 05-501203-NH

We need not address all of the court's determinations because it is clear that plaintiff failed to comply with the statutory requirements for commencing medical malpractice actions. Plaintiff failed to provide notice of her intent to file suit more than 182 days before she filed her complaint, MCL 600.2912b(1), and failed to file an affidavit of merit signed by a qualified health professional, MCL 600.2912d(1). Although plaintiff has questioned whether these provisions apply under the circumstance that her claims arose before October 1, 1993, the statutes involved do, in fact, apply. While the 1993 act provides that certain provisions apply only to causes of action arising on or after October 1, 1993, 1993 PA 78 expressly provides in § 4(4) that section 2912b applies to cases filed on or after October 1, 1993, and in § 4(3) that § 2912d does not apply to cases filed before October 1, 1993. Because plaintiff filed this action in January 2005, the provisions apply. The requirements are mandatory, and the circuit court was obliged to dismiss on this basis. The dismissal with prejudice was proper because even if all plaintiff's arguments with respect to the statute of limitations are accepted, the complaint actually filed in January 2005 did not toll the statute because it did not comply with the requirements for filing a complaint, and plaintiff's claim would have been time-barred in the interim.

Affirmed.

/s/ Donald S. Owens  
/s/ Janet T. Neff  
/s/ Helene N. White