

STATE OF MICHIGAN  
COURT OF APPEALS

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GHALEB NAJIB HADDAD, Personal  
Representative of the Estate of SHIBLI JAMIL  
HADDAD, Deceased,

UNPUBLISHED  
February 27, 2007

Plaintiff-Appellant,

v

WALEED MAMMO, D.D.S.,

No. 266646  
Macomb Circuit Court  
LC No. 2004-001381-NH

Defendant-Appellee.

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Before: O’Connell, P.J., and Saad and Talbot, JJ.

O’CONNELL, J. (*concurring in part and dissenting in part*).

I concur with the majority opinion that various conflict panels have attempted to resolve most, if not all, of the issues presented in this case. My position concerning these conflict panels is set forth in my concurring opinion in *Ward v Siano*, \_\_\_ Mich App \_\_\_; \_\_\_ NW2d \_\_\_ (Docket No. 265599, issued November 14, 2006).<sup>1</sup>

If I were writing on a clean slate, I would reverse the decision of the trial court.

/s/ Peter D. O’Connell

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<sup>1</sup> I note that *Bryant v Oakpointe Villa*, 471 Mich 411, 432; 684 NW2d 864 (2004), may in fact control the outcome of all of these cases (equitable tolling applies to MCL 600.5852 where the court determines “understandable confusion” exists). I also note that the Supreme Court has not issued a definitive opinion on the retroactive application of *Waltz v Wyse*, 469 Mich 642; 677 NW2d 813 (2004).