

STATE OF MICHIGAN
COURT OF APPEALS

SARA BOHN, f/k/a SARA MOBLEY,

Plaintiff-Appellant,

v

ANN ARBOR REPRODUCTIVE MEDICINE
ASSOCIATES, P.C., a Michigan corporation,
E.P. PETERSON, M.D., JONATHAN W. T.
AYERS, M.D., and F. NICHOLAS SHAMMA,
M.D., Jointly and Severally,

Defendants-Appellees,

and

TOLEDO FERTILITY CENTER, P.C.,

Defendant-Not Participating,

and

MICHAEL MOBLEY,

Intervening-Appellee.

UNPUBLISHED

December 17, 1999

No. 213550

Livingston Circuit Court

LC No. 97-16310 CK

SARA BOHN, f/k/a SARA MOBLEY,

Plaintiff-Appellant,

v

MICHAEL RUSSELL MOBLEY,

Defendant-Appellee.

No. 213551

Livingston Circuit Court

LC No. 97-026334 DC

Before: Smolenski, P.J., and Gribbs and O'Connell, JJ.

O'CONNELL, J. (concurring).

I concur in the result only. I believe the disposition of frozen zygotes involves significant questions of human life and procreation that need resolution, especially in light of Michigan's public policy favoring the protection of unborn life. See *Taylor v Kurapati*, 236 Mich App 315, 347; 600 NW2d 670 (1999). However, given the factual and procedural irregularities of this case, as well as the apparent situation of the parties, I do not believe that this case is a proper vehicle for addressing those questions. The disposition of the zygotes was not addressed in the divorce action, and plaintiff only pleaded a custody claim and various contract-related claims. Moreover, a felony kidnapping warrant has been issued for plaintiff's arrest resulting from her disappearance with the parties' son. Under the circumstances of this case, the weightier questions involved in reproductive technology must await another day for resolution.

/s/ Peter D. O'Connell