

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

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GAYLE HORETSKI, Personal Representative of the  
Estate of JEAN RUTH HORETSKI, Deceased,

Plaintiff-Appellee,

v

DETROIT OSTEOPATHIC HOSPITAL  
CORPORATION, d/b/a BI-COUNTY HOSPITAL  
and CHRISTOPHER MAZURE, D.O.,

Defendants-Appellants,

and

ST. JOHN HOSPITAL, THOMAS GIANCARLO,  
D.O., CHRISTOPHER HUGHES, M.D., RANDY  
GEHRING, M.D., MICHAEL NABER, M.D.,  
STEPHEN D'ADDARIO, M.D., DANIEL GARY  
SNOW, M.D., and JULIE HENDRIX, M.D.,

Defendants.

UNPUBLISHED  
May 9, 2000

No. 212397

Wayne Circuit Court  
LC No. 98-806794-NM

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GAYLE HORETSKI, Personal Representative of the  
Estate of JEAN RUTH HORETSKI, Deceased,

Plaintiff-Appellee,

v

MICHAEL NABER, M.D., and STEPHEN  
D'ADDARIO, M.D.,

Defendants-Appellants,

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No. 212637  
Wayne Circuit Court  
LC No. 98-806794 NM

and

ST. JOHN HOSPITAL, DETROIT OSTEOPATHIC  
HOSPITAL CORPORATION, d/b/a BI-COUNTY  
HOSPITAL, CHRISTOPHER MAZURE, D.O.,  
THOMAS GIANCARLO, D.O., CHRISTOPHER  
HUGHES, M.D., RANDY GEHRING, M.D.,  
DANIEL GARY SNOW, M.D., and JULIE  
HENDRIX, M.D.,

Defendants.

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Before: O'Connell, P.J., and Talbot and Zahra, JJ.

PER CURIAM.

In this consolidated appeal, defendants Detroit Osteopathic Hospital Corporation, d/b/a Bi-County Hospital, and Drs. Christopher Mazure, Michael Naber and Stephen D'Addario appeal by leave granted on an interlocutory appeal from an order denying defendants' motions for change of venue from Wayne Circuit Court to Macomb Circuit Court. We reverse and remand for further proceedings consistent with this opinion.

Plaintiff Gayle Horetski filed suit on behalf of the estate of decedent, Jean Ruth Horetski (both Gayle Horetski and her decedent are hereinafter referred to in the singular as "plaintiff"), in the Wayne Circuit Court alleging medical malpractice against defendants which resulted in plaintiff's death. Plaintiff initially sought treatment for a breathing problem at Bi-County Hospital in Macomb County from November 25, 1995, to December 4, 1995. Upon admission at Bi-County Hospital, plaintiff's prescription for thyroid medication was reduced from 200 mg to 100 mg per day. Plaintiff was transferred to St. John Hospital in Wayne County on December 4, 1995, where she continued to receive the reduced dosage of thyroid medication. Plaintiff underwent a surgical procedure to remedy her breathing problem and was transferred on January 3, 1996, to a rehabilitation center in Macomb County operated by St. John Hospital. Plaintiff returned to St. John Hospital on January 17, 1996. Plaintiff did not receive any thyroid medication from January 18, 1996, through February 5, 1996. On January 22, 1996, plaintiff was placed on a respirator from which she was unable to be weaned. Plaintiff died on February 29, 1996, at St. John Hospital in Wayne County.

Plaintiff brought the instant wrongful death action alleging malpractice against defendants. In sum, plaintiff alleged that defendants negligently reduced plaintiff's thyroid medication which

compromised plaintiff's health and ultimately resulted in death. Plaintiff's complaint concluded that "[t]he original injury in this case took place in the City of Detroit, County of Wayne, State of Michigan."

Defendants brought a motion for change of venue pursuant to MCR 2.223(A)(1) alleging that venue was improper in Wayne County. Defendants argued that because the first alleged act of negligence occurred at Bi-County Hospital in Macomb County when plaintiff's thyroid medication was reduced from 200 mg to 100 mg per day, the "original injury" for venue purposes occurred in Macomb County.<sup>1</sup> Plaintiff argued that the "original injury" occurred when plaintiff's condition deteriorated to the point that she was placed on a respirator on January 22, 1996, at St. John Hospital in Wayne County. The trial court denied defendants' motion and relied exclusively upon the conclusion contained in plaintiff's complaint that the original injury occurred in Wayne County.

We review a trial court's decision concerning a motion for a change of venue to determine whether it was clearly erroneous. *Huhn v DMI, Inc (On Remand)*, 215 Mich App 17, 18; 544 NW2d 719 (1996). Venue in wrongful death statutes is governed by MCL 600.1629; MSA 27A.1629, which provides in pertinent part:

(1) Subject to subsection (2), in an action based on tort or another legal theory seeking damages for personal injury, property damage or wrongful death, all of the following apply:

(a) The county in which the original injury occurred and in which either of the following applies is a county in which to file and try the action:

(i) The defendant resides, has a place of business or conducts business in that county.

(ii) The corporate registered office of the defendant is located in that county.

In *Karpinski v St. John Hospital-Macomb Center Corp*, 238 Mich App 539; \_\_\_ NW2d \_\_\_ (1999), this Court held that, as applied to a wrongful death action, the Legislature intended the term "the county in which the original injury occurred" to mean the place "where the injury resulting in death occurred, and not the place where death itself took place." *Id.* at 544. The phrase "original" requires us to determine the origin or beginning of plaintiff's injury. *Id.*

Plaintiff alleges that defendant was negligent in reducing plaintiff's thyroid medication and, as a result of this negligence, plaintiff's health was compromised and deteriorated over time. Thus, the original injury would have occurred when plaintiff's health first began to deteriorate as a result of her decrease in medication. Contrary to plaintiff's assertions, this injury would have occurred before a respirator became medically necessary. The respirator evidences a continuing deterioration of plaintiff's health, not the original deterioration of plaintiff's health.

Based on the well pleaded allegations of plaintiff's complaint, we hold that plaintiff's health was compromised and commenced deteriorating following Bi-County Hospital's decision to reduce plaintiff's thyroid medication. This occurred in Macomb County. While subsequent events in Wayne County adversely impacted plaintiff's health, these events compounded plaintiff's deterioration of health

rather than precipitated it. This compromise of plaintiff's health ultimately resulted in plaintiff's death and thus the compromise of plaintiff's health constituted her original injury. Because plaintiff's decedent was first injured in Macomb County, the trial court erred in failing to change venue.

Reversed and remanded for further proceedings consistent with this opinion. We do not retain jurisdiction.

/s/ Peter D. O'Connell

/s/ Michael J. Talbot

/s/ Brian K. Zahra

<sup>1</sup> Although defendant prevails in this appeal, we do not adopt defendant's argument as the standard for resolving a venue dispute. The plain language of the venue statute focuses on the place of the injury, not, as defendant argues, the place of the negligent act. Defendants' success on appeal is because the place of plaintiff's original injury was Macomb County.