

STATE OF MICHIGAN  
COURT OF APPEALS

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DONNA BELLGOWAN,

Plaintiff-Appellant,

v

SEARS, ROEBUCK & CO.,  
WILLIAM BRENNAN, and DOES 1-10,

Defendants-Appellees.

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UNPUBLISHED  
November 22, 2002

No. 233125  
Ingham Circuit Court  
LC No. 00-092252-CZ

Before: Cooper, P.J., and Jansen and R. J. Danhof\*, JJ.

MEMORANDUM.

Plaintiff appeals as of right from an order granting summary disposition in favor of defendants. The facts of the present case are identical to those in *Terrace Land Dev Corp v Seeligson & Jordan*, 250 Mich App 452; 647 NW2d 524 (2002). *Terrace Land Dev Corp* makes clear that where a party, for the first time, files suit against a defendant, the limitation period is measured at the time the complaint was filed pursuant to MCR 2.101(B). *Id.* at 459. The applicable statute of limitations requires only that a complaint be filed within the limitation period. *Id.* at 461-462 quoting *Scarsella v Pollak*, 461 Mich 547, 552, n 3; 607 NW2d 711 (2000). Plaintiff properly filed her complaint and the tolling statute thus does not serve to bar her suit. Therefore, the order improperly dismissing this case is void.

Reversed.

/s/ Jessica R. Cooper  
/s/ Kathleen Jansen  
/s/ Robert J. Danhof

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\* Former Court of Appeals judge, sitting on the Court of Appeals by assignment.