

STATE OF MICHIGAN
COURT OF APPEALS

BRENDA FRADETTE,

Plaintiff-Appellant,

v

GRANGER CONSTRUCTION COMPANY,

Defendant/Cross-Defendant/Cross-
Plaintiff,

and

CAPITAL CONTRACTING CORPORATION,

Defendant/Cross-Defendant,

and

CHARLOTTE PUBLIC SCHOOLS,

Defendant/Cross-Plaintiff,

and

CHARLES PAGE,

Defendant-Appellee.

UNPUBLISHED

December 28, 2006

No. 269389

Eaton Circuit Court

LC No. 02-001508-NI

Before: White, P.J., and Zahra and Kelly, JJ.

PER CURIAM.

Plaintiff appeals as of right from a circuit court order granting defendant Page's motion for summary disposition pursuant to MCR 2.116(C)(7), based on the statute of limitations. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

A circuit court's ruling on a motion for summary disposition is reviewed de novo. *Kefgen v Davidson*, 241 Mich App 611, 616; 617 NW2d 351 (2000). Whether a cause of action is barred by the statute of limitations is a question of law that is also reviewed de novo on appeal.

Ins Comm'r v Aageson Thibo Agency, 226 Mich App 336, 340-341; 573 NW2d 637 (1997). Similarly, issues of statutory interpretation, including the construction, interpretation, and application of a court rule is a question of law that is reviewed de novo. *Roberts v Mecosta Co Gen Hosp*, 466 Mich 57, 62; 642 NW2d 663 (2002); *ISB Sales Co v Dave's Cakes*, 258 Mich App 520, 526; 672 NW2d 181 (2003); *Kernen v Homestead Dev Co*, 252 Mich App 689, 692; 653 NW2d 634 (2002).

A general negligence action must be brought within three years after the claim accrues. MCL 600.5805(1) and (10). There is no dispute that plaintiff's claim accrued in August 2000. Plaintiff filed this action in October 2002, within the limitations period, but defendant Page was not added as a party defendant until March 2005. Although an amendment relates back to the date of the original pleading if the claim arose out of the occurrence set forth in the original pleading, MCR 2.118(D), the relation-back doctrine does not usually extend to the addition of new parties. *Employers Mut Cas Co v Petroleum Equip, Inc*, 190 Mich App 57, 63-64; 475 NW2d 418 (1991); *Gardner v Stodgel*, 175 Mich App 241, 249; 437 NW2d 276 (1989). However, MCL 600.2957(2) provides an exception to this general rule:

Upon motion of a party within 91 days after identification of a nonparty, the court shall grant leave to the moving party to file and serve an amended pleading alleging 1 or more causes of action against that nonparty. A cause of action added under this subsection is not barred by a period of limitation unless the cause of action would have been barred by a period of limitation at the time of the filing of the original action.

MCR 2.112(K)(4) provides:

A party served with a notice under this subrule may file an amended pleading stating a claim or claims against the nonparty within 91 days of service of the first notice identifying that nonparty. The court may permit later amendment as provided in MCR 2.118.

Plaintiff seeks to interpret the statute without regard to the court rule. However, this approach was rejected in *Staff v Johnson*, 242 Mich App 521; 619 NW2d 57 (2000). Page was not the subject of a notice under MCR 2.112(K), and therefore MCL 600.2957(2) is inapplicable.

Affirmed.

/s/ Helene N. White
/s/ Brian K. Zahra
/s/ Kirsten Frank Kelly