

STATE OF MICHIGAN  
IN THE 14<sup>TH</sup> CIRCUIT COURT FOR THE COUNTY OF MUSKEGON  
BUSINESS COURT DIVISION

WEST SHORE MEDICAL PERSONNEL  
Plaintiff

File No. 13-49079-CK

HON. NEIL G. MULLALLY

GREENLEE COLVIN, a Minor by and  
Through her lawful representatives,  
Rachel Colvin and Nicholas Colvin,  
Meritain Health, Inc., Columbus McKinnon  
Corporation, and ABC Corp.  
Defendants

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**OPINION AND ORDER**

On January 29, 2014, the Court held a hearing upon the Motion to Dismiss of Defendant Meritain Health, Inc. (Meritain), and upon the Motion to Dismiss, or alternatively, for Summary Disposition of Defendant Columbus McKinnon Corporation (McKinnon).

As stated on the record, the Court granted dismissal and summary disposition for Meritain and McKinnon for the following reasons:

1. All services furnished on or before July 17, 2007, are barred by the statute of limitations vis-à-vis all defendants, including Greenlee Colvin, Rachel Colvin, and Nicholas Colvin.
2. All claims for services occurring on or before November 8, 2007, are barred by the statute of limitations as to Defendant McKinnon.
3. Unless the Plaintiff could produce evidence "other than in an affidavit" that documented that the other invoices at issue had been submitted to Meritain within twelve months of the dates of services, then summary disposition or

dismissal would be granted to McKinnon and the motion to dismiss would be granted as to Meritain.

The Court allowed a thirty day period for the Plaintiff to request filing a third amended complaint as to the Colvin Defendants, based upon a theory of quantum meruit.

Lastly, the court ruled on the record that in any event, that McKinnon and Meritain were granted full summary disposition and/or dismissal because the Plaintiff had not established that the Colvin Defendants' claims for medical services had been assigned to Meritain and/or McKinnon, thereby creating a lack of standing of Meritain and McKinnon as proper defendants.

The foregoing provisions were incorporated into an order entered February 14, 2014. On February 26, 2014, the Plaintiff filed an affidavit of Paul Hunter with billing statements. The affidavit does not provide documentary evidence of when invoices were provided to Meritain, and does not show documentary evidence of an assignment of the Colvin claims to Meritain and/or McKinnon. Therefore, the Court grants full summary disposition of dismissal to Meritain and McKinnon as to all counts in the original complaint, the first amended complaint, and the second amended complaint.

Concerning the Colvin Defendants, all claims for services provided to Greenlee Colvin before July 17, 2007, are dismissed with prejudice. Plaintiff has filed a Motion for Leave to File a Third Amended Complaint against the Colvin Defendants, which has not yet been heard. Therefore, claims for services rendered after July 17, 2007, remain preserved with respect to the Colvin Defendants.

ORDER

At a session of said Court  
held in the County of Muskegon  
on the 6th day of March, 2014  
PRESENT: Hon. Neil G. Mullally  
Business Court Judge

IT IS SO ORDERED.

Dated: March 6, 2014

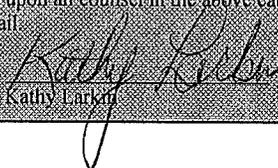


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Neil G. Mullally P22857  
14<sup>th</sup> Circuit Business Court Judge

**PROOF OF SERVICE**

The undersigned certifies that the foregoing instrument was served upon all counsel in the above cause herein at their respective addresses disclosed on the pleadings this May 22, 2013 by U.S. Mail.



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Kathy Larkin