

MICHIGAN COURT OF APPEALS

Stapleton v. City of Wyandotte, 177 Mich. App. 339

441 N.W.2d 90 (1989) · No. 104641 · Decided June 5, 1989

SUMMARY

The Michigan Court of Appeals affirmed summary disposition for physicians in a medical malpractice action, holding that the plaintiff's claims were barred by the applicable limitations period and six-month discovery rule. The court determined that treatment ended upon the plaintiff's hospital discharge and that she had reason to believe the treatment was improper shortly thereafter. The court did not reach whether contract-based claims were separately viable because that issue had not been preserved for appeal.

CASE DETAILS

COURT	Michigan Court of Appeals
WRITING FOR THE COURT	Wahls, P.J.; Reilly, J.; G.S. Allen, J.
JURISDICTION	Michigan
DECIDED	June 5, 1989
DOCKET	104641
DISPOSITION	affirmed
PROCEDURAL POSTURE	Plaintiff appealed as of right from an order of the Wayne Circuit Court granting defendants Brownell and Hoprasart summary disposition under MCR 2.116(C)(7) on the ground that the medical-malpractice claims were barred by the applicable periods of limitation.
STANDARD OF REVIEW	Questions of statutory construction and whether undisputed facts establish that a claim is barred by the statute of limitations are reviewed as questions of law. The trial court's discovery-rule findings were reviewed for clear error.
PRECEDENTIAL VALUE	published Michigan Court of Appeals opinion
PARTIES	Rebecca Stapleton v. City of Wyandotte, Brownell, Hoprasart

TOPICS

- medical malpractice
- statute of limitations
- summary judgment
- standard of review
- appellate procedure

PRACTICE AREAS

medical malpractice

statute of limitations

civil procedure

appellate procedure

statutory interpretation

QUESTIONS PRESENTED

1. Whether plaintiff's medical-malpractice claim accrued when defendants ceased treating her upon her discharge from the hospital on July 17, 1984, or later based on a suggested follow-up appointment.
2. Whether the two-year medical-malpractice limitations period expired before plaintiff filed suit on July 18, 1986.
3. Whether plaintiff discovered or should have discovered the existence of her malpractice claim more than six months before filing suit under MCL 600.5838(2).
4. Whether plaintiff's breach-of-contract theories were subject to different limitations periods.

HOLDINGS

1. A medical-malpractice claim accrues when the physician-patient relationship ends as to the matters underlying the claim. The defendants' treatment of plaintiff ended upon her discharge from the hospital on July 17, 1984; a general suggestion that she arrange a future checkup did not extend the relationship.
2. The two-year limitations period expired on July 17, 1986, not July 18, 1986, because the day of discharge was excluded but the corresponding calendar date two years later was included.
3. A plaintiff discovers or should have discovered a medical-malpractice claim when the defendant's act or omission becomes known and the plaintiff has reason to believe the medical treatment was improper; an attorney's advice is not required.
4. The appellate court did not decide whether plaintiff's claims sounded solely in malpractice or also in contract because the issue was not addressed by the trial court and was not preserved for appeal.

KEY QUOTATIONS

“The essence of that phrase implies that the cessation of an ongoing physician-patient relationship marks the point at which the period of limitation begins to run.” (177 Mich. App. at 343)

“This does not require the advice of an attorney, but merely requires a subjective belief that a malpractice claim is possible.” (177 Mich. App. at 350)

FACTUAL BACKGROUND

While six to eight weeks pregnant, Rebecca Stapleton was hospitalized at Wyandotte General Hospital from July 7 through July 17, 1984, under the care of several physicians, including Brownell and Hoprasart. She received Compazine and experienced severe muscle spasms. Within a week after discharge, an ultrasound at Northland Family Planning Clinic showed that the fetus was dead, and the fetus was surgically removed. Stapleton filed suit on July 18, 1986, alleging that negligent administration of medication caused the muscle spasms, fetal death, and her injuries; her deposition showed that she believed in July 1984 that the treatment may have been improper.

PROCEDURAL HISTORY

Stapleton filed a medical-malpractice action on July 18, 1986, alleging that medication administered during her hospitalization caused muscle spasms, fetal death, and injury to her. The hospital and defendants Brownell and Hoprasart moved for summary disposition based on the statute of limitations. The Wayne Circuit Court granted the motions, concluding that the action was not filed within two years after the last treatment and that plaintiff discovered or should have discovered her claim more than six months before filing. The Michigan Court of Appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- Coddington v. Robertson, 160 Mich. App. 406, 407 N.W.2d 666 (1987)
- Pendell v. Jarka, 156 Mich. App. 405, 402 N.W.2d 23 (1986)
- Bigelow v. Walraven, 392 Mich. 566, 576, 221 N.W.2d 328 (1974)
- Kelleher v. Mills, 70 Mich. App. 360, 365, 245 N.W.2d 749 (1976)
- Smith v. Sinai Hospital, 152 Mich. App. 716, 724-725, 394 N.W.2d 82 (1986)
- Schalm v. Mt. Clemens General Hospital, 82 Mich. App. 669, 672, 267 N.W.2d 479 (1978)
- Thomas v. Golden, 51 Mich. App. 253, 214 N.W.2d 907 (1974), modified, 51 Mich. App. 693, 214 N.W.2d 907 (1974), aff'd without adopting reasoning, 392 Mich. 779, 220 N.W.2d 677 (1974)
- Shane v. Mouw, 116 Mich. App. 737, 323 N.W.2d 537 (1982)
- Wise v. Sisters of Mercy, 21 Mich. App. 134, 175 N.W.2d 33 (1970)
- Kelly v. Richmond, 156 Mich. App. 699, 402 N.W.2d 73 (1986)
- Juravle v. Ozdagler, 149 Mich. App. 148, 385 N.W.2d 627 (1985)
- Blana v. Spezia, 155 Mich. App. 348, 354, 399 N.W.2d 511 (1986)
- Lefever v. American Red Cross, 108 Mich. App. 69, 310 N.W.2d 278 (1981)
- Antal v. Porretta, 165 Mich. App. 238, 242, 418 N.W.2d 395 (1987)
- Baldyga v. Independence Health Plan, 162 Mich. App. 441, 413 N.W.2d 30 (1987)
- Barnard v. Dilley, 134 Mich. App. 375, 350 N.W.2d 887 (1984)
- Joe Dwyer, Inc. v. Jaguar Cars, Inc., 167 Mich. App. 672, 685, 423 N.W.2d 311 (1988)