

Court of Appeals, State of Michigan

ORDER

Brenda Ford White v O L Matthews MD

Docket No. 340482

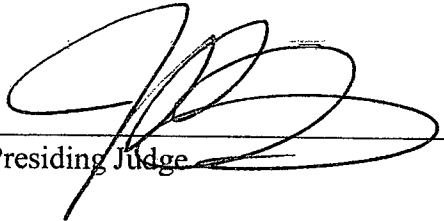
LC No. 13-013472-NH

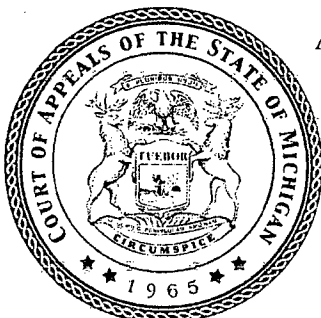
Jane M. Beckering
Presiding Judge

Jane E. Markey

Douglas B. Shapiro
Judges

The Court orders that the application for leave to appeal is DENIED for lack of merit in the grounds presented.


Presiding Judge



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

NOV 15 2017

Date


Chief Clerk

APPENDIX - A

Court of Appeals, State of Michigan

ORDER

Brenda Ford White v O L Matthews MD

Docket No. 340482

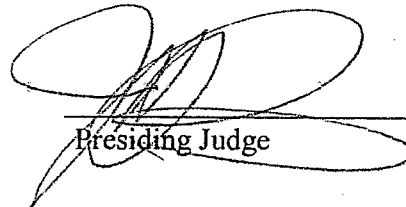
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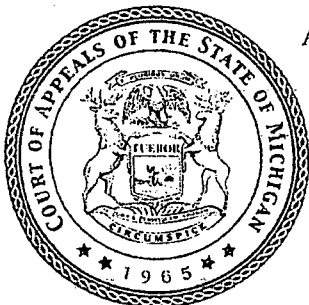
Jane M. Beckering
Presiding Judge

Jane E. Markey

Douglas B. Shapiro
Judges

The Court orders that the motion for reconsideration is DENIED.


Presiding Judge



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

JAN 04 2018

Date


Chief Clerk

APPENDIX-B

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

BRENDA FORD WHITE and PATRICK FORD,
as Next Best Friends of BETTIE RUTH FORD (Deceased),

Case No. 13-013472-NH
Hon. Leslie Kim Smith

Plaintiff(s),

-v-

DR. O.L. MATTHEWS, M.D., DR. WOOK KIM, M.D.,
DR. JORAM MOGAKA, M.D., HARPER UNIVERSITY
HOSPITAL, INC., a medical corporation and ST. JOHN'S
HOSPITAL AND MEDICAL CENTER, INC.,
a medical corporation, individually, jointly and severally,

Defendant(s).

13-013472-NH
FILED IN MY OFFICE
WAYNE COUNTY CLERK
9/20/2017 4:01:44 PM
CATHY M. GARRETT
/s/ Kimberley DeLoach

ORDER

At a session of said Court held on

9/20/2017

PRESENT: HON. LESLIE KIM SMITH

Plaintiffs having filed a motion for relief from judgment presumably under MCR 2.612(C)(1)(c) and the Court being otherwise fully advised of the parties' positions by way of the parties' briefs states as follows:

The Court finds that Plaintiffs have failed to present any evidence that Defendants and their respective attorneys committed fraud on the Court by allegedly manipulating and/or making false docket entries on the Third Judicial Circuit Court's Register of Actions as it relates to the status of this case. Pursuant to MCR 2.612(C)(1)(c), a trial court may relieve a party from a final order where there was "[f]raud (intrinsic or extrinsic), misrepresentation, or other misconduct of an adverse party."

In January, 2014, this Court entered three orders granting Defendants' motions for summary disposition and dismissing Plaintiffs' claims. On April 16, 2015, the Court of Appeals

APPENDIX-C

in an unpublished per curiam opinion affirmed this Court's decision, and on May 29, 2015, denied Plaintiffs' motion for reconsideration. On November 24, 2015, the Supreme Court denied Plaintiffs' application for leave to appeal the April 16, 2015 judgment of the Court of Appeals. Thereafter, on June 28, 2016, the Supreme Court denied Plaintiffs' motion for reconsideration of the Court's November 24, 2015 order.

On March 14, 2017, Plaintiffs filed a motion to reinstate case in this Court, oral argument was heard on March 24, 2017 and the Court entered an order denying the motion on April 4, 2017. On June 16, 2017, the Court of Appeals denied Plaintiffs' application for leave to appeal for lack of merit in the grounds presented.

On August 15, 2017, Plaintiffs filed the instant motion for relief from judgment based on mere allegations of fraud or other misconduct on behalf of Defendants, which are not sufficient grounds to obtain relief from the Court's orders granting dismissal of Plaintiffs' claims, or the subsequent denial of Plaintiffs' motion to reinstate the case. Furthermore, Plaintiffs have failed to cite any legal authority in support of their contention that they are entitled to relief from judgment. Therefore, having thoroughly considered the facts presented and the procedural posture of this case, the Court finds that Plaintiffs lack meritorious grounds for relief under MCR 2.612(C)(1)(c). Accordingly, the Court will deny the motion.

IT IS ORDERED that the Court dispenses with oral argument pursuant to MCR 2.119(E)(3).

IT IS FURTHER ORDERED that Plaintiffs' motion for relief from judgment is hereby **DENIED**.

IT IS SO ORDERED.

/s/ Leslie Kim Smith

Circuit Judge

Order

Michigan Supreme Court
Lansing, Michigan

September 12, 2018

Stephen J. Markman,
Chief Justice

157199 & (47)(50)

Brian K. Zahra
Bridget M. McCormack
David F. Viviano
Richard H. Bernstein
Kurtis T. Wilder
Elizabeth T. Clement,
Justices

BRENDA FORD WHITE,
Plaintiff-Appellant,

and

PATRICK FORD,
Plaintiff,

v

SC: 157199
COA: 340482
Wayne CC: 13-013472-NH

O.L. MATTHEWS, M.D., WOOK KIM, M.D.,
JORAM MOGAKA, M.D., HARPER
UNIVERSITY HOSPITAL and ST. JOHN'S
HOSPITAL AND MEDICAL CENTER, INC.,
Defendants-Appellees.

On order of the Court, the application for leave to appeal the November 15, 2017 order of the Court of Appeals and the defendants' motion to dismiss are considered. The defendants' motion to dismiss is GRANTED and the application is DISMISSED, because the plaintiff-appellant is a vexatious litigator under MCR 7.316(C)(3). We direct the Clerk of this Court not to accept any further filings from the plaintiff-appellant in this matter unless the plaintiff-appellant has obtained leave and has submitted the filing fee required by MCR 7.319. The plaintiff's motion to waive fees is DENIED.



s0905

I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

September 12, 2018

Clerk

APPENDIX - D

**Additional material
from this filing is
available in the
Clerk's Office.**