
IN THE
SUPREME COURT OF THE UNITED STATES

CARRIE A. BRASPENICK— PETITIONER

vs.

JONHNSON LAW, PLC.— RESPONDENT(S)

REHEARING ON DENIED PETITION FOR A WRIT OF CERTIORARI

Petitioner asks this Honorable Court for a REHEARING on the Petition for a Writ of Certiorari that was denied on February 24, 2020 for these stated reasons:

1. Respondent(s) were retained by the Petitioner for legal representation in connection with the claim for delay diagnosing fungal infection, *Carrie Braspenick v Aspirus Grand View*, Case No. G 13-80 NH.
2. MCL 600.5838 simply states: *(1) Except as otherwise provided in section 5838a or 5838b, a claim based on the malpractice of a person who is, or holds himself or herself out to be, a member of a state licensed profession accrues at the time that person discontinues serving the plaintiff in a professional or pseudoprofessional capacity as to the matters out of which the claim for malpractice arose, regardless of the time the plaintiff discovers or otherwise has knowledge of the claim.*

3. The lower courts ruled that the Respondent's letter on May 14, 2014 terminated the attorney-client relationship.

4. However, ALL proofs provided to the court from May 15, 2014 through August 21, 2014 are in regards to the medical malpractice action, *Carrie Braspenick v Aspirus Grand View*, G 13-80 NH.

5. Proofs include Respondent's letters addressed to Petitioner in *RE: Carrie Braspenick v. Aspirus Grand View* on May 14, 2014, May 21, 2014, July 8, 2014 and August 21, 2014.

6. Proofs also include (2) *Carrie Braspenick v Aspirus Grand View*, G 13-80 NH court ORDERS dated May 15, 2014 and August 15, 2014 which include the Respondent(s) as Petitioner's attorney.

7. Respondent(s) provided the court with (2) termination letters in the same case, *Carrie Braspenick v Aspirus Grand View*, G 13-80 NH in their Motion for Summary Disposition.

8. Did the Respondent's letter on May 14, 2014 or August 21, 2014 terminate the attorney-client relationship?

9. Petitioner was **ENTITLED** the right to trial by jury in accordance with MCR 2.116(I)(3) to resolve disputed material facts regarding the statute of

limitations. **MCR 2.116(I)(3):** *If the motion is based on subrule MCR 2.116(C)(7) and a jury trial has been demanded, the court may order immediate trial, but must afford the parties a jury trial as to issues raised by the motion as to which there is a right to trial by jury.*

10. The lower court **DID NOT HONOR** Petitioner's right to trial by jury in accordance with MCR 2.116(I)(3).

11. In addition, the court's May 14, 2014 ruling **DOES NOT COMPLY** with MCR 2.117(C)(1). **MCR 2.117(C)(1):** *(C) Duration of Appearance by Attorney.* Unless otherwise stated or ordered by the court, an attorney's appearance applies only in the court in which it is made, or to which the action is transferred, until a final judgment or final order is entered disposing of all claims by or against the party whom the attorney represents and the time for appeal of right has passed.

12. The final order in *Carrie Braspenick v. Aspirus Grand View*, G 13-80 NH was entered on August 15, 2014.

13. The court's May 14, 2014 ruling **DOES NOT COMPLY** with MCR 2.117(C)(2). **MCR 2.117(C)(2):** *(C) Duration of Appearance by Attorney.* *(2) Unless otherwise stated in this rule, an attorney who has entered an appearance may withdraw from the action or be substituted for only on order of the court.*

14. There is NO court order withdrawing Respondent(s) as Petitioner's attorneys and/or release from the client in *Carrie Braspenick v. Aspirus Grand View*, G 13-80 NH prior to August 15, 2014.

15. Proofs also include Respondent(s) e-mails asking the Petitioner to sign a STIPULATION AND ORDER TO WITHDRAWAL from *Carrie Braspenick v Aspirus Grand View*, G 13-80 NH on June 19, 2014 and again on June 25, 2014.

16. MCR 7.202(6): "*final judgment*" or "*final order*": (a) *In a civil case,*
(i) *the first judgment or order that disposes of all the claims and adjudicates the rights and liabilities of all the parties, including such an order entered after reversal of an earlier final judgment or order*
(ii) *an order designated as final under MCR 2.604(B)*
(iii) *a postjudgment order awarding or denying attorney fees and costs under MCR 2.403, 2.405, 2.625 or other law or court rule.*

17. Respondent(s) were involved in the post judgment order dated August 15, 2014.

18. Petitioner argues that her legal malpractice case was timely filed on August 9, 2016.

19. Michigan Court Rules and Michigan Compiled Laws should be ENFORCED as written.

Therefore, Petitioner was ENTITLED the right to trial by jury in accordance with MCR 2.116(I)(3) to resolve disputed material facts regarding the statute of limitations. Michigan Court Rules and Michigan Compiled Laws should be ENFORCED as written. Petitioner asks this Honorable Court to rehear the Petition for a Writ of Certiorari.

Respectfully submitted,

Carrie A. Braspenick

Dated: March 24, 2020

Carrie A. Braspenick