

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF GENESEE

JOHNATHAN MYERS,

CASE NO. 20-114261-NH

Plaintiff,

JUDGE JOSEPH J. FARAH

-vs-

BOARD OF HOSPITAL MANAGERS, et al,

**OPINION AND ORDER REGARDING
MOTION FOR SUMMARY DISPOSITION
BASED ON LACK OF PROXIMATE
CAUSATION (P.A. ERICH RIEHL AND
HURLEY MEDICAL CENTER)**

Defendant.

At a session of said Court held in the City of
Flint, County of Genesee, State of Michigan on
the 31st day of November, 2022.

PRESENT: HONORABLE JOSEPH J. FARAH, CIRCUIT JUDGE

The Court will not restate the facts or standard of review, but simply address the salient facts and standard of review as applicable to the instant Defendants. Resolution of this aspect of P.A. Riehl and Hurley's motion requires comparatively less discussion.

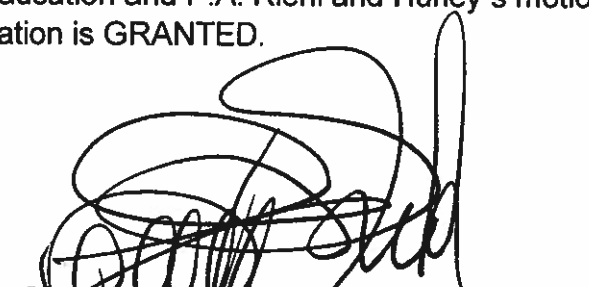
P.A. Riehl noticed the condition of Myers' hand shortly after 1:06 a.m. He contacted Poison Control, contemplating that the administration of calcium gluconate a likely culprit. Poison Control recommended the hand be elevated and moist heat applied. P.A. Riehl did as directed. He also ordered hyaluronidase to counteract the calcium gluconate. He consulted Dr. Hoesel who countermanded that directive. P.A. Riehl documented his activities and his patient's condition throughout the treatment process. He basically yielded the patient to Dr. Hoesel who, the record suggests, took a different view.

Nothing about the actions of P.A. Riehl caused Myers' hand to get amputated. And neither did his inactions, or not acting quickly enough, or not seeking out other doctors. Even Myers' expert had time finding fault with his conduct. And when he noticed the condition of the hand and surmised the cause, he acted timely and appropriately only to be interdicted by superiors. He properly and timely provided information as he was obligated to do.¹

¹ As an example, P.A. Riehl thought administering hyaluronidase was an appropriate treatment. He was stopped from doing so. Whatever he supposedly caused, stopped when Dr. Hoesel took over. (The Court reminds Dr. Hoesel is still in this lawsuit.)

No issue of fact exists regarding causation and P.A. Riehl and Hurley's motion for summary disposition based on lack of causation is GRANTED.

IT IS SO ORDERED.



JOSEPH A. PARAH, Circuit Judge
Dated _____ 11/3/22

STATE OF MICHIGAN 7TH JUDICIAL CIRCUIT	PARTY NOTIFICATION	CASE NO. 20-114261-NH
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Court Address GENESEE COUNTY
COUNTY CLERK
900 S. SAGINAW
FLINT MI 48502

Court telephone no.
810-257-3270

Mailing Date: 11/03/22

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Judge: JOSEPH J. FARAH

Plaintiff
JOHNATHAN MYERS

v

Defendant
BOARD OF HOSPITAL MANAGERS

SEE ATTACHED OPINION AND ORDER REGARDING MOTION FOR SUMMARY DISPOSITION BASED ON VICARIOUS LIABILITY, OPINION AND ORDER REGARDING MOTION FOR SUMMARY DISPOSITION BASED ON LACK OF PROXIMATE CAUSATION (P.A. RIEHL AND HURLEY), AND OPINION AND ORDER REGARDING MOTION FOR SUMMARY DISPOSITION BASED ON LACK OF PROXIMATE CAUSATION (DR. HOESEL AND METRO ACUTE SURGICAL).

THIS NOTICE HAS ALSO BEEN SENT TO:
JAMES S. CRAIG
TODD A. MCCONAGHY