

STATE OF MICHIGAN
COURT OF APPEALS

JERRY DALE BOWEN

Plaintiff-Appellee,

v

JEFFREY A. HERMAN, M.D., an individual, RICHARD H. VAUGHN, Ph.D., an individual, GAIL L. HALL, A.C.S.W., an individual, and PSYCHIATRIC CONSULTATION SERVICES, a Michigan corporation, Jointly and Severally,

Defendants-Appellants.

UNPUBLISHED

August 9, 1996

No. 173875

LC No. 93-81162-NM

Before: White, P.J., and Fitzgerald, and E.M. Thomas, *JJ.

MEMORANDUM

Plaintiff appeals the circuit court's orders directing plaintiff to file two \$10,000 security bonds, one for Psychiatric Consultation Services (PCS) and another for Herman, Vaughn and Hall, and the circuit court's orders dismissing plaintiff's complaint without prejudice as to all defendants. We affirm.

We have reviewed the entire record and conclude that the trial court did not err in concluding that plaintiff failed to comply with the affidavit or security bond requirement of MCL 600.2912d; MSA 27A.2912(4), or in requiring plaintiff to furnish increased security for costs, or in dismissing plaintiff's claim without prejudice. Plaintiff's affidavit of merit did not satisfy statutory requirements then in effect, and it is undisputed that plaintiff did not initially post a \$2,000 security bond or subsequently post a bond in the increased amount. Nor did plaintiff make an adequate and timely showing of financial inability to post the bond. Plaintiff's case was properly dismissed without prejudice.

Regarding PCS's cross-appeal, PCS did not join or concur in the summary disposition motion, the denial of which it now seeks to appeal. We therefore do not address the issue.

* Circuit judge, sitting on the Court of Appeals by assignment.

Affirmed.

/s/ Helene N. White
/s/ E. Thomas Fitzgerald
/s/ Edward M. Thomas