

COA Opinion: A complaint filed by an individual acting in the wrong capacity can be amended under the relation-back doctrine.

12. June 2010 by Aaron Lindstrom

Robert Porter, seeking title to property previously owned by his deceased mother, brought a lawsuit against defendants who claimed to have received a quitclaim deed from Porter's mother. Porter filed the suit in his own name, rather than as a representative of the estate of his mother, and the defendants responded by moving for summary disposition because he was not a real party in interest. While the trial court agreed with the defendants, it granted him leave to amend his complaint, rather than dismissing it. But when Porter filed the amended complaint as a personal representative of the estate, the trial court granted the defendant's second motion for summary disposition on the grounds that the amended complaint fell outside the statute-of-limitations period. In *Estate of Gloria Tice v. Tice*, No. 290716, the Court of Appeals concluded that the amended complaint related back to the original, timely complaint, and it therefore reversed the grant of summary disposition.

The Court explained that while it had previously held that the relation-back doctrine does not extend to the addition of new parties, it concluded that the doctrine did cover situations where the amended complaint involved a plaintiff who filed the original suit in the wrong capacity. The Court noted that MCL § 700.3701 provided further support for the Court's decision, as that statute provides that a "personal representative's powers relate back in time to give acts by the person appointed that are beneficial to the estate occurring before the appointment the same effect as those occurring after appointment." Under this statute, therefore, Porter's filing of the original suit could be deemed to have been done in his representative capacity, with a mere error in the caption, and "the form of the caption is generally not of particular importance."