

Court of Appeals, State of Michigan

ORDER

John Masserant MD v Associates in Obstetrics & Gynecology PLLC

Kirsten Frank Kelly
Presiding Judge

Docket No. 304513

Michael J. Talbot

LC No. 10-029135-CB

Cynthia Diane Stephens
Judges

The Court orders that the motion for immediate consideration is GRANTED.

Pursuant to MCR 7.205(D)(2), in lieu of granting leave to appeal, the Court further orders that the May 12, 2011, order of the Monroe County Circuit Court is REVERSED. In this case, defendants sought “[a]ny and all documents related to, or pertaining to, [plaintiff’s] privileges at Mercy Memorial Hospital, including, but not limited to, suspensions, revocation of privileges, complaints, disciplinary actions and/or leave of absence.” The trial court subsequently entered an order directing the hospital to provide “all Peer Review documents and/or other documents in the possession of the Mercy Memorial Hospital Executive Committee” for an in camera inspection. After conducting the inspection, the trial court issued an order and decision, which lacked any findings that the documents were not subject to peer review confidentiality and directed the release of peer review and medical information. Under the unambiguous language of the peer review statutes, MCL 333.20175(8) and MCL 333.21515, the records, data, and knowledge collected for a peer review “shall be used solely for the purposes provided in this article, are not public records, and are not subject to court subpoena. See also MCL 331.531-.533. Therefore, the trial court erred in directing the release of peer review documents. Furthermore, defendants’ argument that the unique fact pattern of the lawsuit render the peer review statutes and case law inapplicable has no merit, and defendant has not otherwise identified an applicable statutory exception. See *Feyz v Mercy Memorial Hospital*, 475 Mich 663, 685; 719 NW2d 1 (2006) and *Johnson v Detroit Medical Center*, ___ Mich App ___, ___ NW2d ___ (Docket No. 293304, rel’d December 21, 2010), slip opinion, p 2.

The motion for guidance regarding submission of documents is DENIED AS MOOT.

The motion to waive the requirement of filing the transcripts is GRANTED.

The Court retains no further jurisdiction.

A true copy entered and certified by Larry S. Royster, Chief Clerk, on



JUN 28 2011

Date

A handwritten signature in black ink, appearing to read "Larry S. Royster".
Chief Clerk