

Court of Appeals, State of Michigan

ORDER

Robert Davis v Local Emergency Financial Assistance Loan Board

Docket No. 316081

LC No. 13-000281-NZ

Stephen L. Borrello
Presiding Judge

Michael J. Kelly

Amy Ronayne Krause
Judges

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

Pursuant to MCR 7.205(D)(2), in lieu of granting the application for leave to appeal, the Court orders that the portion of the May 1, 2013 circuit court order authorizing plaintiff to schedule and take the depositions John Nixon, Steve Arwood, and Kevyn Orr is REVERSED. "High-ranking public officials may not be compelled to provide deposition testimony unless or until a preliminary showing is made that the deposition is necessary to obtain relevant information that cannot be obtained from any other discovery source or mechanism, i.e., that such a deposition is essential to prevent prejudice or injustice." *Hamed v Wayne County*, 271 Mich App 106, 110-111 719 NW2d 612 (2006). The record does not reflect that such a preliminary showing was made in this case. This matter is REMANDED for further proceedings consistent with this order.

The motion for stay pending appeal is DENIED as moot.

This order is given immediate effect pursuant to MCR 7.215(F)(2).

We do not retain jurisdiction.



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

MAY 13 2013

Date

A handwritten signature in black ink, appearing to read "Larry S. Royster", is written over a horizontal line. Below the line, the words "Chief Clerk" are printed.

Chief Clerk