

# Court of Appeals, State of Michigan

## ORDER

Robert Davis v Local Emergency Financial Assistance Loan Board

Docket No. 316710

LC No. 13-000281-NZ

William C. Whitbeck  
Presiding Judge

Patrick M. Meter

Michael J. Kelly  
Judges

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Pursuant to MCR 7.205(D)(2), in lieu of granting the application for leave to appeal, the Court orders that the circuit court's June 12, 2013 order compelling Richard Baird to disclose the names of the candidates for the emergency financial manager position is REVERSED. Our Court rules "permit[ ] the discovery of any matter that is not privileged and that is relevant to the pending case." *Alberto v Toyota Motor Corp*, 289 Mich App 328, 336; 796 NW2d 490 (2010), citing MCR 2.302(B)(1). Plaintiff fails to show that the disclosure of the candidates' names is relevant to establishing violations of the Open Meetings Act. MRE 401; *Hardrick v Auto Club Ins Ass'n*, 294 Mich App 651, 668; 819 NW2d 28 (2011). While evidence that affects the credibility of witnesses is usually relevant, *People v McKinney*, 410 Mich 413, 418; 301 NW2d 824 (1981), the trial court's ruling foreclosed any inquiries that might reflect on Baird's credibility.

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

The stay that this Court issued in its June 14, 2013 order is hereby lifted. We do not retain jurisdiction.



A true copy entered and certified by Angela P. DiSessa, Acting Chief Clerk, on

JUN 20 2013

Date

Angela P. DiSessa  
Acting Chief Clerk