

# Court of Appeals, State of Michigan

## ORDER

Mi'ari Marsh v Henry Ford Health System

Docket No. 323062

LC No. 13-012850-NH

Michael J. Riordan  
Presiding Judge

Michael J. Talbot

Kurtis T. Wilder  
Judges

The Court orders that the motions for immediate consideration are GRANTED.

The motion to waive the transcript requirement of MCR 7.205 is GRANTED.

The motion to waive the transcript requirement of MCR 7.209 is GRANTED.

In lieu of granting the application, the Court orders, pursuant to MCR 7.205(E)(2), that the July 28, 2014, order of the Wayne Circuit Court granting plaintiff's motion to compel the discovery of defendant's internal protocols and self-insurance information hereby is REVERSED. Defendant's internal protocols are not admissible at trial, *Gallagher v Detroit-Macomb Hosp Ass'n*, 171 Mich App 761; 431 NW2d 90 (1988). Plaintiff has not shown that the internal protocols would lead to the discovery of admissible evidence regarding the standard of care and the breach of that standard, two elements necessary to sustain the instant action. Further, defendant is not a "person carrying on an insurance business." Also, defendant self-insurance trust is not an "insurance agreement" between defendant and a person carrying on an insurance business. Defendant's self-insurance trust thus falls outside MCR 2.302(B)(2) and it is not discoverable under that court rule. The case is REMANDED to the circuit court for further proceedings consistent with this order.

The motion for stay is DENIED as moot.

This order is to have immediate effect, MCR 7.215(F)(2). The Court retains no further jurisdiction.



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

AUG 22 2014

Date

  
Chief Clerk