

**Court of Appeals, State of Michigan**

**ORDER**

Douglas Melrose v Ricky Warner

Docket No. 326328

LC No. 13-020555-NI

Peter D. O'Connell  
Presiding Judge

Donald S. Owens

Stephen L. Borrello  
Judges

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

The motion for stay is DENIED.

The application for leave to appeal is DENIED for failure to persuade the Court of the need for immediate review.

O'Connell, P.J., would peremptorily reverse the trial court's order of *first impression* in Michigan. In this case, plaintiff subpoenaed all of defendants' counsel's billing and cost records relating to this case, as well as the testimony of attorneys David Carbajal and Brett Meyer concerning their work defending this case. I am unaware of any trial court in Michigan that allows a plaintiff to subpoena the opposing side's billing records or allows a plaintiff's attorney to depose defense counsel, thereby, in essence, revealing the opposition's trial strategy and work product. In my opinion, this creates a very dangerous precedent. Furthermore, it has no relevance to the issue presented to the trial court.



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

**MAR 16 2015**

Date

Chief Clerk