

Court of Appeals, State of Michigan

ORDER

Jesus Moreno v City of Detroit

Docket No. 334844

LC No. 14-014611-NI

Christopher M. Murray
Presiding Judge

Karen M. Fort Hood

Michael J. Riordan
Judges

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

Pursuant to MCR 7.205(E)(2), in lieu of granting the application for leave to appeal, the Court orders that the September 16, 2016 order denying the emergency motion to compel neuropsychological evaluation of plaintiff following death of Dr. Greiffenstein is REVERSED. Where plaintiff claimed a traumatic brain injury and the neuropsychologist retained by defendant was no longer available to testify, the requirements for ordering another examination under MCR 2.311(A) were established. Testimony by a doctor who had not personally examined plaintiff was not an adequate substitute, and the trial court abused its discretion by concluding otherwise. *Burris v KAM Transp*, 301 Mich App 482; 836 NW2d 487 (2013).

The motion to waive the requirements of MCR 7.209 is GRANTED.

The motion for stay pending appeal is DENIED as moot.

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

This Court retains no further jurisdiction.



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

September 23, 2016

Date


Chief Clerk