

Court of Appeals, State of Michigan

ORDER

Heather Hedstrom v Compass Properties LLC

Stephen L. Borrello
Presiding Judge

Docket No. 334305

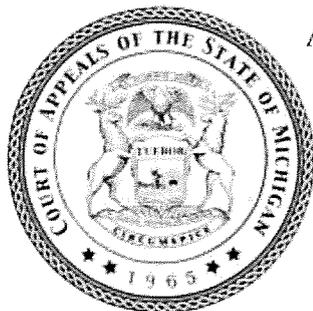
Michael J. Kelly

LC No. 15-000567-CD

Amy Ronayne Krause
Judges

The Court orders that appellees' motion for leave to file a response to objection and opposition to the motion to seal highly confidential documents is GRANTED. Thus, the response submitted with that motion on June 26, 2017 is accepted for filing.

The motion to seal highly confidential documents is DENIED. First, the motion is unnecessary as to the items filed in envelopes marked as containing information sealed by trial court order under MCR 7.211(C)(9)(b). As to the copies of deposition pages that appellees indicate that appellant mistakenly filed in an appendix to her appellant's brief rather than submitting as a sealed document appellees have not shown good cause for sealing these pages. From our review of these pages they do not include the name or other identifying information of a patient, and appellees have not provided an adequate explanation as to why sealing these pages would be necessary to protect patient confidentiality as required by either state or federal law. Perhaps, under the trial court protective order, these deposition pages should not have been filed by appellant with her principal brief as was done but because these pages were so filed rather than being properly submitted under MCR 7.211(C)(9)(b) as items subject to a trial court protective order that is immaterial at this point and a party would need to show good cause under MCR 8.119(I)(2) to seal these pages as included in the appendix to appellant's brief. However, we note that the request of the nonparties in their answers for the affirmative relief of generally unsealing information made confidential by the trial court protective order is not appropriately sought in their answers. MCR 7.211(C)(9)(d) allows any interested person to file an answer to a motion to seal. It cannot reasonably be considered to allow a nonparty to go beyond answering the motion to seal so as to further seek affirmative relief in such an answer.



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

JUL 25 2017

Date

Jerome W. Zimmer Jr.
Chief Clerk