

Court of Appeals, State of Michigan

ORDER

Richard Tabbi v William Beaumont Hospital

Docket No. 335412

LC No. 16-006265-NH

Christopher M. Murray
Presiding Judge

Michael J. Talbot

Karen M. Fort Hood
Judges

Pursuant to MCR 7.205(E)(2), the Court orders that the Wayne Circuit Court's decision to include Section d. in the Qualified Protective Order is REVERSED. Plaintiff has cited no evidence supporting his concern that defendants or others will not comply with HIPPA's provisions restricting the disclosure and disposal of protected health information. See 45 CFR 164.512(e)(1)(v). Thus, he has asserted nothing more than the "generalized danger" or "specter" that is insufficient to justify the imposition of the conditions in Section d. *Szpak v Inyang*, 290 Mich App 711, 714-716; 803 NW2d 904 (2010). Plaintiff likewise failed to show that those conditions are necessary to protect from annoyance, embarrassment and the like. See MCR 2.302(C). Accordingly, we VACATE section d. of the Qualified Protective Order and REMAND for proceedings consistent with this order.

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

FEB 08 2017

Date

Chief Clerk