

Court of Appeals, State of Michigan

ORDER

Nicole Kinsey v Sandoz Inc

Docket No. 337096

LC No. 15-005390-NO

Cynthia Diane Stephens
Presiding Judge

Christopher M. Murray

Michael J. Riordan
Judges

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

The motion for peremptory reversal pursuant to MCR 7.211(C)(4) is GRANTED. Plaintiffs have not shown that Mr. Goldschmidt, an “apex” corporate officer of Sandoz, has superior or unique information regarding the subject matter of this litigation. *Alberto v Toyota Motor Corp*, 289 Mich App 328, 336-343; 796 NW2d 490 (2010) (holding that even the public appearances and testimony of Toyota’s apex employees before Congress about the recall of certain vehicles and their involvement in the quality-control processes were not sufficient to show the employees possessed superior or unique information about the subject matter of the litigation). Nor have plaintiffs shown that they cannot obtain this information through less intrusive means, such as by subpoenaing and deposing former employees of Sandoz, see MCR 2.305 and 2.306. *Alberto*, 289 Mich App at 336. The trial court’s February 2, 2017 order is therefore REVERSED.

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

We do not retain jurisdiction.



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

MAY 01 2017

Date


Chief Clerk