

**Court of Appeals, State of Michigan**

**ORDER**

Advanced Home Care Inc v Home-Owners Insurance Company

Karen M. Fort Hood  
Presiding Judge

Docket No. 337766

Christopher M. Murray

LC No. 16-010678-NF

Michael J. Riordan  
Judges

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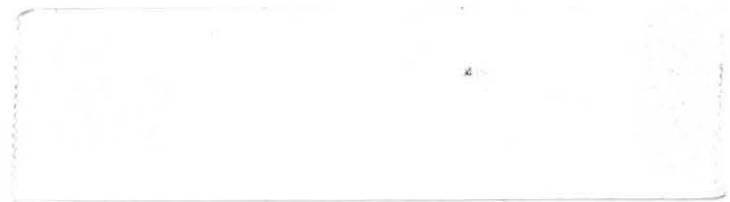
The Court orders that the motion for immediate consideration, styled as a motion for expedited appeal, and the motion for immediate consideration of the motion for expedited appeal are GRANTED.

Pursuant to MCR 7.205(E)(2), the trial court's March 14, 2017 order granting the motion for a preliminary injunction is REVERSED. The trial court erred by issuing a preliminary injunction where Advanced Home Care improperly asserted Mr. Cools's interests as its own, *Barclae v Zarb*, 300 Mich App 455, 483; 834 NW2d 100 (2013), Advanced Home Care's allegation of irreparable harm is purely economic, *Thermatool Corp v Borzym*, 227 Mich App 366, 377; 575 NW2d 334 (1998), and where "[r]equiring defendant to pay [the disputed] benefits prior to a hearing on the merits gives the plaintiffs the very relief they sought when they filed their actions," *Bratton v Detroit Auto Inter-Ins Exch*, 120 Mich App 73, 76; 327 NW2d 396 (1982). Further, given Advanced Home Care's concession that it is not in danger of becoming insolvent as a result of covering the cost of care at issue through trial, the balance of harm does not weigh in plaintiffs' favor, especially considering that plaintiffs may ultimately recover their costs plus penalty interest and attorney fees if defendant loses on the merits. MCL 500.3142; MCL 500.3148(1); *Wyoming Chiropractic Health Clinic, PC v Auto-Owners Ins Co*, 308 Mich App 389, 401; 864 NW2d 598 (2014). We therefore REMAND this matter for proceedings consistent with this order.

The motion for stay pending appeal is DENIED.

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

**MAY 12 2017**

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Date

  
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Chief Clerk