

Court of Appeals, State of Michigan

ORDER

Leroy Adams v Industrial Fence and Landscaping Inc

Docket No. 342476

LC No. 17-007911-NO

Thomas C. Cameron
Presiding Judge

Christopher M. Murray

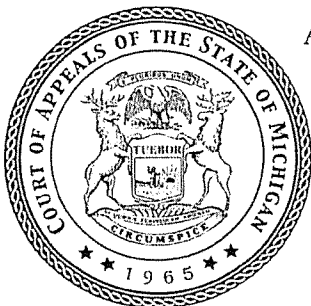
Karen M. Fort Hood
Judges

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

Pursuant to MCR 7.205(E)(2), the Court orders that the Wayne Circuit Court's February 2, 2018 order is VACATED and this matter is REMANDED to the trial court for reconsideration of the parties' motions. Pursuant to MCR 2.306(C)(2)(b) and MCR 2.315(A), a party may video record a deposition authorized by MCR 2.306 "without leave of the court or stipulation of the parties, provided" it is taken in accordance with MCR 2.315. MCR 2.315(A). Thus, based on this clear and unambiguous language of the court rules, *Spine Specialists of Michigan, PC v State Farm Mut Auto Ins Co*, 317 Mich App 497, 500-501; 894 NW2d 749 (2016), to the extent the trial court's decision is based on its determination that a party must generally seek leave of the court to video record a deposition otherwise authorized by MCR 2.306, its decision is in error. While the court has the discretion under MCR 2.302(C) to issue an order "that justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense" upon a party's showing of good cause, the court's statements on the record do not clearly explain the basis for a finding that good cause exists to preclude defendants from video recording plaintiff's deposition in order to protect him from annoyance, embarrassment, oppression or undue burden or expense. The trial court is directed to reconsider the parties' motions, clearly stating the basis for any finding that a protective order precluding the taking of the video deposition is warranted.

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 26 2018

Date


Chief Clerk