

Court of Appeals, State of Michigan

ORDER

S J Burton Jr v USAA Casualty Insurance Company

Docket No. 346550

LC No. 18-000445-NI

David H. Sawyer
Presiding Judge

Jane E. Markey

James Robert Redford
Judges

The Court orders the motion for immediate consideration is GRANTED.

Pursuant to MCR 7.205(E)(2), in lieu of granting the application for leave to appeal, the Court PEREMPTORILY REVERSES the bench ruling of the Washtenaw Circuit Court which denied defendant Dominique Green's motion for qualified protective order or in the alternative, dismissal of claim. The trial court abused its discretion when it conditioned a granting of the motion on the inclusion in the order of a provision that directed defendant Green to give plaintiff's attorney notice of and an opportunity to attend the ex parte interviews conducted by defense counsel with the treating physicians of plaintiff S. J. Burton, Jr. The imposition of such conditions was not supported by identified facts specific to this case showing that justice required the conditions. *Szpak v Inyang*, 290 Mich App 711; 803 NW2d 904 (2010). On remand, the trial court shall enter a qualified protective order that conforms to *Holman v Rasak*, 486 Mich 429; 785 NW2d 98 (2010), and *Szpak*. This order has immediate effect. MCR 7.215(F)(2). The Court does not retain jurisdiction.



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

JAN 25 2019

Date

Chief Clerk