

Court of Appeals, State of Michigan

ORDER

VHS of Michigan v David Lundy

Docket No. 346964

LC No. 18-009412-CZ

Thomas C. Cameron
Presiding Judge

Kirsten Frank Kelly

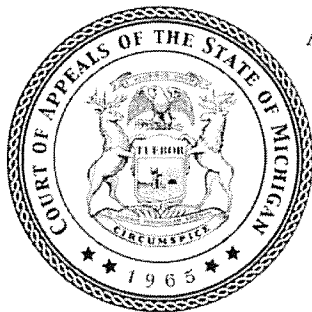
Michael J. Riordan
Judges

In lieu of granting the application, the Court orders that, pursuant to MCR 7.205(E)(2), the December 17, 2018 orders of the Wayne Circuit Court denying plaintiff's request for a protective order and compelling myriad depositions hereby are REVERSED. Although Michigan follows an open, broad discovery policy that permits liberal discovery of any matter, not privileged, that is relevant, *Reed Dairy Farm v Consumers Power Co*, 227 Mich App 614, 616; 576 NW2d 709 (1998), defendant has failed to show that the sought-after discovery is relevant to plaintiff's breach of contract claim. Moreover, the depositions of 23 employees would be unduly burdensome to plaintiff. *Hamed v Wayne Cty*, 271 Mich App 106, 110; 719 NW2d 612 (2006). The case is REMANDED to the circuit court for further proceedings consistent with this order.

On the Court's own motion, the October 3, 2014 Explanation of Benefits, which defense counsel attached as Exhibit A to Defendant's Response in Opposition to Plaintiff's Motion for a Protective Order, is STRICKEN. Defense counsel should not have disclosed that statement, as it relates to medical services provided to an entirely different patient in a separate and unrelated matter. The Clerk of the Court, and the Wayne County Circuit Court Clerk, are directed to remove that document from the files.

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

The Court retains no further jurisdiction.



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

MAY 13 2019

Date


Chief Clerk