

Court of Appeals, State of Michigan

ORDER

Jeffrey Semon Beyst v Julie Kay Beyst

Docket No. 277346

LC No. 06-621056-DC

Karen M. Fort Hood
Presiding Judge

Michael J. Talbot

Kirsten Frank Kelly
Judges

The motion for immediate consideration is GRANTED.

The Court orders, pursuant to MCR 7.205(D)(2), that the trial court's March 21, 2007 order is REVERSED to the extent it disqualified Jacqueline Theisz from acting as plaintiff's counsel in the instant matter. Under the circumstances, defendant was never a "client" of Theisz. See *Macomb County Taxpayers Association Ass'n v L'anse Creuse Public Schools*, 455 Mich 1, 11; 564 NW2d 457 (1997). Further, we are not persuaded that defendant has met her burden of demonstrating specifically how and as to what issues in this case the likelihood of prejudice will result. See *Killingbeck v Killingbeck*, 269 Mich App 132, 148; 711 NW2d 759 (2005). We find disqualification under any of the rules cited by defendant to be unwarranted and erroneous.

This case is REMANDED to the trial court for further proceedings consistent with this order. We do not retain jurisdiction.

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



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JUN 07 2007

Date

Sandra Schultz Mengel
Chief Clerk