

# Court of Appeals, State of Michigan

## ORDER

Shalina Purifoy v Henry Ford Hospital

Docket No. 277655

LC No. 05-536542-NH

Kirsten Frank Kelly  
Presiding Judge

Brian K. Zahra

Christopher M. Murray  
Judges

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In lieu of granting leave to appeal, pursuant to MCR 7.205(D)(2), the Court orders that the April 20, 2007, order of the Wayne County Circuit Court is REVERSED. Under the clear and unambiguous language of the peer review statutes, MCL 333.20175(8) and MCL 333.21515, the records, data, and knowledge collected for a peer review “shall be used *solely* for the purposes provided in this article, are not public records, and are not subject to court subpoena (emphasis added). Refreshing a party’s recollection is not a purpose identified under the Public Health Code in establishing peer review committees. Furthermore, our Supreme Court has stated that all the peer review communications are protected from discovery and *use in any form* of legal proceedings. *Feyz v Mercy Memorial Hospital*, 475 Mich 663, 685; 719 NW2d 1 (2006) (emphasis added). Accordingly, the trial court erred in directing Nurse Miller to review her statement that was incorporated in the Quality Management Report, in order to refresh her recollection, prior to the taking of another deposition.

The motion to waive the stay requirement of filing the transcript, MCR 7.209(A)(3) is DENIED AS MOOT given defendants’ subsequent filing of the transcript.

The motion for stay is DENIED.

The Court retains no further jurisdiction.



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

SEP 28 2007

Date

*Sandra Schultz Mengel*  
Chief Clerk