

# Court of Appeals, State of Michigan

## ORDER

Sheila Warren v State Farm Mutual Automobile Insurance Company

Joel P. Hoekstra  
Presiding Judge

Docket No. 281079

David H. Sawyer

LC No. 06-001140-NR

Jane E. Markey  
Judges

---

Pursuant to MCR 7.205(D)(2), in lieu of granting the application for leave to appeal, the Court PEREMPTORILY REVERSES the trial court's decision to disallow the taking of the discovery only depositions and VACATES the August 24, 2007 order effectuating that decision. The court erred by requiring defendant to satisfy MCR 2.302(C)(7) as a prerequisite to conducting the proposed discovery only depositions. A party seeking to depose an expert for discovery purposes only is not required as a prerequisite to seek a protective order. Rather, a request for a protective order under MCR 2.302(C)(7) would only have been required if one party noticed the deposition to be used at trial and the other party wanted the deposition to be used only for purpose of discovery. *Petto v The Raymond Corp*, 171 Mich App 688, 692; 431 NW2d 44 (1988). Moreover, because plaintiff sought to preclude the taking of the depositions, she was required to seek the protective order, MCR 2.302(C)(7)(1), and demonstrate good cause to preclude the discovery. Plaintiff made no such showing. This order has immediate effect. MCR 7.215(F)(2). We do not retain jurisdiction.



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

MAR 20 2008  
Date

*Sandra Schultz Mengel*  
Chief Clerk