

**Court of Appeals, State of Michigan**

**ORDER**

A Letson v Patricia Nestor MD

Kirsten Frank Kelly  
Presiding Judge

Docket No. 312635

Christopher M. Murray

LC No. 12-004470-NH

Michael J. Riordan  
Judges

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The Court orders that the motion for immediate consideration is GRANTED.

The motion to waive the requirements of MCR 7.209 is GRANTED.

In lieu of granting the application, the Court orders, pursuant to MCR 7.205(D)(2), that the motion for peremptory reversal is GRANTED and the September 12, 2012, order of the Wayne Circuit Court granting plaintiff's motion to compel answers to interrogatories hereby is REVERSED. Defendant's internal protocols are not admissible at trial, *Gallagher v Detroit-Macomb Hosp Ass'n*, 171 Mich App 761; 431 NW2d 90 (1988). The circuit court abused its discretion in directing defendants to disclose internal protocols, where plaintiff has not shown that they would lead to the discovery of admissible evidence regarding the standard of care and the breach of that standard. *Hartmann v Shearson Lehman Hutton, Inc*, 194 Mich App 25, 29; 486 NW2d 53 (1992). The case is REMANDED to the circuit court for further proceedings consistent with this order.

The motion for stay is DENIED.

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 Larry S. Royster, Chief Clerk, on

JAN 23 2013

Date

Larry S. Royster  
Chief Clerk