

**Court of Appeals, State of Michigan**

**ORDER**

Estate of Mary L Brown v Borgess Medical Center

Docket No. 327653

LC No. 2014-000648-NH

Jane E. Markey  
Presiding Judge

Joel P. Hoekstra

Douglas B. Shapiro  
Judges

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Pursuant to MCR 7.205(E)(2), in lieu of granting the application for leave to appeal, the Court VACATES the circuit court's May 12, 2015 "Qualified Protective Order – Part #2." The condition requiring notice of *ex parte* meetings to opposing counsel is impermissible under *Szpak v Inyang*, 290 Mich App 711, 803 NW2d 904 (2010). And the condition requiring that counsel provide any recording of *ex parte* meetings to opposing counsel is analogous to the condition permitting opposing counsel to attend defense counsel's *ex parte* meetings that this Court also found impermissible in *Szpak*. Furthermore, *ex parte* interviews are permissible and routine methods of informal discovery, *Domako v Rowe*, 438 Mich 347, 360-361; 475 NW2d 30 (1991) and *Holman v Rasak*, 486 Mich 429, 433; 785 NW2d 98 (2010), but the condition requiring that counsel provide any recording of *ex parte* meetings to opposing counsel, in effect, strips the interviews of their *ex parte* character.

This Court retains no further jurisdiction.

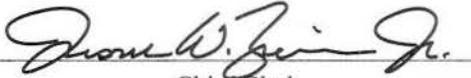
Shapiro, J. would deny the application for leave to appeal.



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

SEP 14 2015

Date

  
Chief Clerk