

Court of Appeals, State of Michigan

ORDER

Helen Johnson v Detroit Edison Company

Docket No. 313012

LC No. 11-006578-NO

Cynthia Diane Stephens
Presiding Judge

Kurtis T. Wilder

Karen M. Fort Hood
Judges

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

In lieu of granting leave to appeal, pursuant to MCR 7.205(D)(2), the Court further orders that the September 18, 2012, order is VACATED, and the matter is REMANDED to the trial court to determine if defendant's employee safety training materials for approaching, guarding and warning pedestrians of the hazard of downed power lines, which the trial court ordered defendant to produce, is relevant to the subject matter involved in the pending action, and whether it relates to the claim of the party seeking discovery. Although defendant argues that the information sought will be inadmissible at trial, MCR 2.302(B)(1) unambiguously provides that such argument is not ground for objection if the information sought appears reasonably calculated to lead to the discovery of admissible evidence. However, the record of the hearing conducted below reveals that the trial court failed to articulate any analysis on this issue as well. Accordingly, the trial court shall do so on remand.

The motion to waive the stay requirements of MCR 7.209(A)(3) is GRANTED.

In light of the preemptory relief, the motion for stay is DENIED.

The matter is REMANDED for further proceedings consistent with this order. Pursuant to MCR 7.215(F)(2), this order shall take immediate effect. The Court retains no further jurisdiction.



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

JAN 08 2013

Date


Chief Clerk