

Court of Appeals, State of Michigan

ORDER

Bryan Croteau v Auto-Owners Insurance Company

Elizabeth L. Gleicher
Presiding Judge

Docket No. 306856

E. Thomas Fitzgerald

LC No. 2010-113223-NF

Pat M. Donofrio
Judges

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

Pursuant to MCR 7.205(D)(2), the Court orders that the August 17, 2011 order denying appellants' motion to quash the subpoenas issued by plaintiff is VACATED only with respect to the subpoena that orders the production of:

All files of the MCCA, in their entirety, which Sherri Lepofski [sic] has had involvement and which a claim for family provided attendant care benefits has been made. This includes, but is not limited to, any and all correspondence between the MCCA, its employees or agents, and the claimants [sic] insurance company and its employees or agents (including legal counsel).

Appellants presented evidence that compliance with this subpoena will be unduly burdensome. "[D]iscovery may be circumscribed to prevent excessive, abusive, irrelevant, or unduly burdensome requests." *Hamed v Wayne County*, 271 Mich App 106, 110; 719 NW2d 612 (2006). This matter is REMANDED to the trial court to reconsider whether the discovery request is reasonable or discovery should be limited so as not be overly burdensome. The application for leave to appeal is otherwise DENIED for failure to persuade the Court of the need for immediate appellate review.

The motion to waive the transcript of the hearing on the motion for stay is DENIED as moot because the transcript has been filed in this Court.

The motion for stay pending appeal is DENIED.

This Court retains no further jurisdiction.



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

NOV 14 2011

Date


Chief Clerk