

Court of Appeals, State of Michigan

ORDER

SCOTT ALAN SMITH V FRANCES VACHON

Docket No. 315929

LC No. 2012-793566-PP

Elizabeth L. Gleicher
Presiding Judge

Kathleen Jansen

Cynthia Diane Stephens
Judges

In lieu of granting leave to appeal, pursuant to MCR 7.205(D)(2), the Court orders that the trial court's February 8, 2013 order denying defendant's motion to seal the file is **REVERSED IN PART** as follows. The petition included information regarding appellant's medical treatment, prescription medications, and side effects of those medications. That sort of information is normally privileged and exempt from disclosure under Michigan law, MCL 600.2157, and the federal Health Insurance Portability and Accountability Act (HIPAA), 42 USC §1320d et seq. Appellant's interest in keeping this privileged information private outweighs the public's and plaintiff's interest in disseminating this material. MCR 8.119(I)(2). The trial court's February 8, 2013 order is **VACATED** and the matter **REMANDED** to the trial court to enter an appropriate order sealing the file, in whole or in part, to prevent public access to this otherwise privileged medical information.

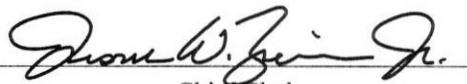
This Court retains no further jurisdiction.



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

OCT 04 2013

Date


Chief Clerk