

STATE OF MICHIGAN
IN THIRD CIRCUIT COURT FOR THE COUNTY OF WAYNE

MS. TAMARA FILAS,

Case No. 13-000 652-NI

Plaintiff,

vs.

**KEVIN CULPERT AND EFFICIENT
DESIGN, INC.,**

Defendant.

MOTION HEARING

Before the **HONORABLE SUSAN D. BORMAN**, Circuit Court
Judge - Detroit, Michigan - Monday, June 24th, 2013.

APPEARANCES:

MS. TAMARA FILAS, In Pro Per

MR. JAMES WRIGHT, ESQ.,
Attorney at Law

MR. MICHAEL O'MALLEY, ESQ.,
Attorney at Law

Appearing on behalf of the Defendants.

REPORTED BY: **MARY E. SKINNER CSR 0031**
Official Court Reporter

13 JUL 26 PM 1:33
FHHJ

13 JUL 23 AM 9:13
FHHJ

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WITNESSES:

None

EXHIBITS:

None

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Detroit, Michigan

Monday, June 24th, 2013.

(Proceedings commenced on or about 2:30 p.m.)

THE COURT CLERK: Calling case number 13-000
652 NI. Tamara Filas versus Kevin Culpert and Efficient
Design, Inc..

THE COURT: Okay. You were here on Friday.
Ms. Filas, the plaintiff was here and she was representing
herself. She just refuses to sign the medical authorization,
although she did indicate on Friday she would sign them, and
deliver them to you and we would adjourn this to today to make
sure that happened; otherwise I was going to dismiss the case.

MR. WRIGHT: That's correct, Your Honor.

THE COURT: So, and what happened? Tell me
what happened?

MR. WRIGHT: She did stop by my office and
she provided some authorizations; they are altered. And what
you also said on Friday is that she was to provide unaltered
authorizations. She provided about half of what I asked for.

She failed to provide some of the medical
records; she failed to provide authorizations for her PIP file,
which is very important in this case. Educational records, her
insurance, Blue Cross, Blue Shield. And her employment
records; she is making a wage loss claim in this case.

Educational records are important because

1 she is making a closed head injury in this case, Your Honor.

2 THE COURT: All right. I really don't
3 understand her reluctance to allow any -- and this happened in
4 the PIP case, too -- to allow counsel to see the medical
5 records. So, I have given her lots of adjournments.

6 Isn't someone missing here today?

7 MR. O'MALLEY: Yes, Your Honor.

8 THE COURT: The other counsel was
9 complaining that I was giving her --

10 MR. O'MALLEY: (Interposing) Yes, Your
11 Honor. These are actually only Efficient Designs'
12 authorizations. I know that Mr. Culpert's attorney was going
13 to rely on them also but these are our authorizations; we both
14 represent Efficient Design.

15 THE COURT: I know. I am going to dismiss
16 the case without prejudice. So fill out a blank order.

17 THE REPORTER: Would you please place your
18 names on the record.

19 MR. WRIGHT: My name is Jim Wright. I
20 represent Efficient Design, Inc.

21 MR. O'MALLEY: Your Honor, I am Michael
22 O'Malley and I also represent Efficient Design, Inc.

23 THE COURT: All right.

24 And the record should also reflect that we
25 did try to get Ms. Filas on the phone. She knew about today;

1 she knew that I had adjourned it to today. So she knew she was
2 to be here. We also tried to call her and there is no
3 answering machine and nobody answered the phone.

4 MR. WRIGHT: And she did show up at my
5 office today and dropped off the partial authorizations.

6 THE COURT: Okay.

7 MR. O'MALLEY: Thank you, Your Honor.

8 MR. WRIGHT: Thank you very much, Your
9 Honor.

10 THE COURT: You are welcome.

11 * * *

12 (A short recess)

13 THE COURT: Okay. Let's go back on the
14 record with this.

15 Someone apparently called back and said
16 they were her mother. The person identified themselves as her
17 mother. My clerk, who talked to her said it sounded like Ms.
18 Filas herself.

19 However, this person claiming to be her
20 mother gave us a telephone number. And we called that number
21 as well and no answer.

22 We left a message.

23 MR. WRIGHT: Your Honor, I don't believe we
24 were on the record when we discussed the Order.

25 THE COURT: I thought we were. Okay.

1 MR. WRIGHT: The Order will say that it is
2 hereby ordered that Plaintiff, Ms. Tamara Filas' case is
3 dismissed in its entirety without prejudice. I

4 t is further ordered that this Order will
5 be entered on July 1st, 2013, if no objection is filed on or
6 before July 1st, 2013.

7 THE COURT: Right. But you are going to
8 treat it as a 7-day Order so that she is going to receive it
9 before the Order is entered.

10 MR. WRIGHT: Right. That's why it is put in
11 there about the objections. So she has seven days to object
12 to it.

13 THE COURT: All right. Maybe you should
14 mail it to her as well as file it because --

15 MR. WRIGHT: (Interposing: You want us to
16 submit this Order with you today, Your Honor?

17 THE COURT: Yes. Let me just initial it so
18 I will know and then you will submit it as a 7-Day Order.

19 MR. WRIGHT: Okay. Thank you.

20 MR. O'MALLEY: Thank you very much, Your
21 Honor.

22 THE COURT: You are welcome.

23 (The Proceedings are concluded.)

24 * * *
25 * * *

CERTIFICATE OF REPORTER

STATE OF MICHIGAN)
)SS
COUNTY OF WAYNE)

I, MARY E. SKINNER, Official Court Reporter for the Third Circuit Court for the County of Wayne, do hereby certify that the foregoing pages are inclusive and comprise a full, true, and correct transcript of the proceeding in the above-entitled case.

Signature redacted

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