STATE OF MICHIGAN

IN THE COURT OF APPEALS

TAMARA FILAS,

Plaintiff-Appellant,

Court of Appeals No: 317972

Circuit Court No: 13-000652-NI

-vs-

KEVIN THOMAS CULPERT, AND EFFICIENT DESIGN, INC., A Michigan Corporation.

Defendants-Appellees.

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PLAINTIFF-APPELLANT'S ANSWER TO DEFENDANT-APPELLEE THOMAS K. CULPERT'S MOTION TO AFFIRM

*****ORAL ARGUMENT REQUESTED*****

Plaintiff-Appellant, Tamara Filas, for her answer to Defendant-Appellee Thomas K. Culpert's Motion to Affirm, states the following:

1. Denied. Appellant denies that the questions sought to be reviewed in her appeal are unsubstantial and need no argument or formal submission, and denies that the questions sought to be reviewed were not timely or properly raised.
2. Denied, for reasons explained in the attached Answer to Defendant-Appellee's Brief.
3. Denied. No precedent would be required for a case in which clear and unambiguous court rule, MCR 2.314(C)(1), has been violated by the Circuit Court's ruling to dismiss Plaintiff-Appellant's case based on the court's refusal to allow Plaintiff-Appellant to provide her medical records to the Defendant-Appellees in the method(s) provided for under MCR 2.314(C)(1)(a) and/or MCR 2.314(C)(1)(d). See attached Answer to Defendant-Appellee's Brief for further explanation.
4. Admits that "*as an intermediate appellate court, the principal function of this Court of Appeals is to correct errors made by lower courts.*" Denies that *"Since Plaintiff has not cited any precedents contrary to the trial court's decision, it is impossible to say that the trial court erred."* Plaintiff-Appellant contends no precedent would be required to determine whether the trial court erred because this case involves the trial court's violation of a clear and unambiguous court rule, MCR 2.314(C)(1).
5. Denied. Plaintiff's *principal* argument on appeal was not *"that the trial court ordered her to sign authorizations that were inconsistent with the 'SCAO-mandated' forms, "* Although Plaintiff-Appellant did argue that she cannot be required to sign forms that differed from the State Court Administrative Office, Plaintiff-Appellant's *principal* argument on appeal was that she had met her legal obligation to provide her medical records to the Defendants under MCR 2.314(C)(1)(a) and/or MCR 2.314(C)(1)(d)

when she sent copies of SCAO-mandated Form 315 to her health care providers so both Defendants, Kevin Culpert, and Efficient Design, Inc. would receive copies of medical records from all of the providers she listed in her answers to both Defendants' interrogatories.

Mr. Hassouna's 4-19-13 Motion to Compel asks for an "*Order compelling the Plaintiff to provide signed, notarized, and full and complete answers to interrogatories and fully executed medical authorizations for all providers listed in plaintiff's answers to interrogatories*" (Exhibit I, 4-19-13 Defendant's Motion to Compel Answers to Interrogatories & Production of Documents). On June 21, 2013, to meet Mr. Hassouna's request for production of medical records, Plaintiff provided Mr. Hassouna, with signed copies of SCAO-mandated MC 315 authorization forms for her healthcare providers, and copies of certificates of mailing verifying the forms had been mailed to her health care providers on June 19, 2013, and thereby showing the forms were fully executed per Mr. Hassouna's instructions. Mr. Hassouna indicated these interrogatories she provided him and the SCAO authorizations forms she gave him along with the certificates of mailing were acceptable.

With regard to the production of medical records for Mr. Wright, Defendant Efficient Design's Motion to Compel was based on their request for production of "*copies of any and all medical records relating to injuries received as a result of the subject accident*", (Exhibit A, relevant page from Efficient Design's Request for Production of Documents to Plaintiff dated 2-7-13, but mailed 4-30-13). At 11:24 a.m. on June 24, 2013, Plaintiff-Appellant delivered to Mr. Wright's office, copies of signed SCAO MC 315 authorization forms for her healthcare providers, and copies of

certificates of mailing verifying they had been mailed to her health care providers on June 21, 2013.

Plaintiff-Appellant not only provided Mr. Wright with authorization forms that were sent to healthcare providers that treated her as a result of injuries received in the 1-15-10 auto accident, but also provided him with records from all of the healthcare providers she could recall that she ever obtained services from, prior to the accident. Mr. Wright's Motion to Compel.

Let it be clear that at the August 9, 2013 hearing, Plaintiff-Appellant began to raise her issues regarding Mr. Wright's authorization forms which were not received by Plaintiff-Appellant until after she had already completed and mailed out MC 315 forms to her health care providers, and that the Judge did not permit Plaintiff to state her arguments concerning Mr. Wright's forms on the record. Plaintiff contends Judge Borman did not allow Plaintiff to speak about her issues regarding the authorization forms from Mr. Wright at the 8-9-13 hearing because Judge Borman had already ruled to dismiss Plaintiff's separate first-party case on April 26, 2013, based upon Plaintiff's refusal to release her medical records to a third-party records copying service instead of directly to the defendant, MEEMIC's attorney, from records copied by the custodian of the records of her health care providers, for Mr. Orlowski (Exhibit P, 8-9-13 transcript, pg. 3-4, showing Ms. Filas was not permitted to present her arguments regarding Mr. Wright's forms). The dismissal of the first-party case was appealed to the Court of Appeals on June 20, 2103.

Let it be clear that Plaintiff-Appellant has never refused to provide medical records to the Defendants in the separately filed first-party case filed 12-18-12, or the

third-party tort case filed on January 14, 2013. If Plaintiff-Appellant objected to privileged records that were requested that were not included on the SCAO form, they would have been psychiatric records. Plaintiff-Appellant did object objected to disclosing her records to a party that had not yet, to the best of her knowledge, been determined to be liable for damages (Efficient Design), and still does not believe she should have been ordered to disclose her records to Efficient Design until it was determined they were liable for damages, but she complied with the Order to Compel and provided authorizations to Efficient Design Attorney, Mr. Wright, for him to receive her medical records despite her objection, in an attempt to avoid her claims against Efficient Design from being dismissed from her third party case on June 24, 2013. She did not expect the entire third party case, including claims against Kevin Culpert, to be dismissed as well, since Mr. Hassuona had already been given all discovery materials he had requested by June 21, 2013. Plaintiff-Appellant continues to take the position that Kevin Culpert had no grounds to have his case dismissed and his concurrence with Efficient Design case being dismissed has no legal weight or relevance as an argument to dismiss the Efficient Design case or to claim the Kevin Culpert's case should also be dismissed.

6. Admitted. However, Plaintiff does not consider herself to have raised any new arguments in her appeal that were not already raised before the same judge, and previously ruled upon in the trial court.

7. Denied. As stated at the bottom of page 38 of Appellant's brief, *"as explained above, issues A-C above were preserved in her first-party case against MEEMIC Insurance Company before the same judge, now being appealed to the Court of Appeals, Case*

#316822, as documented below." A claim of appeal was filed with the Appellate Court on June 20, 2013 in regard to Judge Borman's dismissal of Plaintiff's first party case because Plaintiff would not sign the forms Judge Borman ordered her to sign. The reason Plaintiff-Appellant refers to filings from the first-party case is because the judge did not allow her to provide oral arguments in regards to Plaintiff's issues with the medical authorization forms she was being asked to sign in the third-party case. If Plaintiff had filed a motion for reconsideration in the third-party case, although she could have discussed her objections to the medical authorization forms in writing, she likely would have been accused by the judge of filing a frivolous motion for the fact that the judge told her that she already ruled on this issue in the first-party case and that she wasn't reconsidering it, just moments before dismissing her third-party case (Exhibit P, 8-9-13 transcript pg. 3-4, showing Ms. Filas was not permitted to present her arguments regarding Mr. Wright's forms).

Defendant-Appellee states that, "[w]here an issue is first presented in a motion for reconsideration, it is not properly preserved." Let it be clear that on page 39 of Appellant's Brief, Plaintiff-Appellant refers not only to her 5-17-13 Motion for Reconsideration filed in the first-party case, but also to her 3-11-13 Emergency Motion to Substitute Forms, where the issues were originally raised. The re-filed MEEMIC case was initially assigned to the wrong court or Judge Murphy instead of Judge Borman. Plaintiff's scheduled hearing for her 3-11-13 Motion was not held, and instead, Judge Murphy made an order on 3-15-13 without allowing the parties to present oral arguments. On 3-19-13, the case was re-assigned to the proper

courtroom of Judge Borman by the Presiding Judge (Exhibit Q, 3-19-13 Order Reassigning Case from Murphy to Borman's Court).

Signature redacted

1-21-14
Date

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PLAINTIFF-APPELLANT'S ANSWER TO DEFENDANT-APPELLEE THOMAS K. CULPERT'S BRIEF IN SUPPORT OF HIS MOTION TO AFFIRM

*****ORAL ARGUMENT REQUESTED*****

TABLE OF CONTENTS

INDEX OF AUTHORITIES

CASES:

STATUTES AND COURT RULES:

DEFENDANT-APPELLEE'S COUNTER-STATEMENT OF QUESTION INVOLVED IS INAPPLICABLE TO THE CASE AT HAND AND MISREPRESENTS THE FACTS

On page vi, Defendant-Appellee presents the following Counter-Statement of Question Involved:

> *Did the circuit court properly dismiss Plaintiff's lawsuit, where Plaintiff put her medical condition into controversy by filing a personal injury claim, but refused to sign authorizations to release her medical records, and where this tactic - manipulating the physician-patient privilege so as to allow the Plaintiff to selectively disclose relevant evidence - is expressly prohibited by Domako v Rowe and other precedents of the Supreme Court and the court?*

Defendant-Appellee's question is irrelevant and inapplicable for the reason that Plaintiff *did* sign authorizations to release her medical records to the Defendants. Prior to the case dismissal on June 24, 2013, she mailed completed SCAO-mandated Form MC 315 medical authorization forms to all of her healthcare providers so that both Defendants, Kevin Culpert and Efficient Design, Inc., could receive copies of her medical records.

Plaintiff only refused to sign *Mr. Wright's personal authorization forms*, which 1) were not even received by her prior to the 2:00 p.m. June 24, 2013 deadline for which completed authorization forms had to be submitted to Mr. Wright in order to prevent Plaintiff's case from being dismissed by Judge Borman on June 24, 2013 after the 2:00 p.m. deadline; and 2) contained clauses similar to records copying service forms that Plaintiff was in disagreement with, as already explained to the Judge in her first-party case.

As already explained in Appellant's Brief, at 11:24 a.m. on June 24, 2013, Plaintiff-Appellant personally delivered copies of cover letters to the healthcare providers, signed authorizations, and copies of the certificates of mailing to Mr. Wright's office, meeting her obligation of providing signed authorizations disclosing her medical records to Mr. Wright by 2:00 PM June 24, 2013, and meeting her obligation under MCR2.314(C)(1) to *"(a) make the information available for inspection and copying as requested;"* and/or *"(d) furnish the requesting party with signed authorizations in the form approved by the state court administrator sufficient in number to enable the requesting party to obtain the information requested from persons, institutions, hospitals, and other custodians in actual possession of the information requested"* (Exhibit C, signed cover letter verifying authorizations were received by Mr. Wright's law firm at 11:24 AM on 6-24-13; Exhibit O, Sample of one of Mr. Wright's HIPAA Privacy Authorization forms).

Plaintiff-Appellant in no way manipulated the physician-patient privilege so as to allow the Plaintiff to selectively disclose relevant evidence, as Defendant-Appellee has alleged. With regard to the production of medical records, Defendant Efficient Design's Motion to Compel was based on their request for production of *"copies of any and all medical records relating to injuries received as a result of the subject accident"*, (Exhibit A, relevant page from Efficient Design's Request for Production of Documents to Plaintiff dated 2-7-13, but mailed 4-30-13). Plaintiff-Appellant not only provided Mr. Wright with authorization forms that were sent to healthcare providers that treated her as a result of injuries received in the 1-15-10 auto accident, but also provided him with records from all of the healthcare providers she could recall that she ever obtained services from, prior to the accident. Note that Plaintiff-Appellant permitted disclosure of her records all the way back to birth, which is beyond what Mr. Wright asked for in

his Request for Production of Documents. She even included detailed lists for each healthcare provider of every visit date that was related to the 1-15-10 auto accident, to ensure that Defendants had a checklist upon which they could rely to verify that they received all records from the provider, as Plaintiff herself experienced prior difficulty obtaining certain visit notes in her own records simply by stating "any and all records" on the records request. It is clear from these actions that Plaintiff-Appellant permitted disclosure of all of the medical records discoverable using SCAO Form MC 315, and did not selectively choose which records to disclose.

It should be understood that Mr. Broaddus, attorney in this appeal for Kevin Culpert, replacing Mr. Culpert's trial court attorney, Mr. Hassouna, is the attorney filing this Motion to Affirm. Mr. Broaddus is not representing Efficient Design, yet throughout this motion, he mentions primarily content regarding Efficient Design. It is evidenced by the fact that Mr. Broaddus states in answer to the Counter-Statement of Question Involved, "Defendant-Appellee Efficient Design, Inc. will likely say: "yes," that he doesn't even have the affirmation in regard to this motion from the two attorneys representing Efficient Design. As pointed out in Appellant's Brief, Mr. Hassouna, Mr. Culpert's trial court attorney, did not have any valid objections to the dismissal of Plaintiff's third-party case against Kevin Culpert. It was Efficient Design's attorney, Mr. Wright, who filed the Motion to Dismiss. In the lower court proceedings, Plaintiff complied with all requests from Kevin Culpert's attorney, Mr. Hassouna, and he did not object to the method by which Plaintiff provided medical records to him. Although Mr. Hassouna did state that he was in concurrence with Mr. Wright's Order to Dismiss, he provided no additional reasons on his own behalf (Exhibit L, 7-22-13 Culpert's Concurrence with Efficient Design's Response to Plaintiff's Objection to Proposed Order of Dismissal).

Further, in the 2011 case, Mr. Hassouna was ready to settle the case without Plaintiff's submission of any medical records (Exhibit Z, 6-1-13 Culpert's Motion to Extend Scheduling Dates stating he had no medical records for Plaintiff, 6-29-13 e-mail from Hassouna to Orlowski to determine if he will settle based on written discovery from Plaintiff (interrogatories); Exhibit M, 7-19-12 e-mail from Terry Cochran and attached settlement offer from Mr. Hassouna). Therefore, it doesn't appear to make sense for Mr. Broaddus to be arguing on behalf of Efficient Design since he does not represent them.

In conclusion, Defendant-Appellee's Counter-Statement of Question Involved is irrelevant and inapplicable because Plaintiff *did* sign and mail SCAO-mandated MC 315 authorizations to release any and all medical records to the Defendants, from health care providers prior to and after the accident, back to birth, without exceptions. Let it be clear that Plaintiff-Appellant's case was dismissed because she refused to sign Mr. Wright's *personal medical authorization forms*, which were non-compliant with the requirements on Form MC 315, *after* she had already mailed form MC 315 to over 20 health care providers and thereby had *already* satisfied her obligation to provide medical records under MCR 2.314(C)(1) (a) and/or (d).

PLAINTIFF-APPELLANT'S ANSWER TO COUNTER-STATEMENT OF FACTS AND PROCEEDINGS

On page 1, Defendant-Appellee erroneously states, *"the suit on appeal here was actually a re-initiation of a 2011 combined first and third-party suit, Wayne County Circuit Court No. 11-014149-NF, which Plaintiff filed relative to the same accident. (Ex 1) the Circuit Court dismissed the suit without prejudice on August 22, 2012."* Let it be clear that this was not a re-initiation of

that combined 2011 suit. This third-party case was re-filed separately from Plaintiff's first party case. The first- and third-party cases is are no longer combined, and are now each separately before the court of appeals on the same issue of being dismissed for the reason of the Court not permitting Plaintiff to use SCAO-mandated Form MC 315 to produce her medical records to the Defendants in either the first- or third-party case. It should be clear that Efficient Design, Inc. was not part of the original 2011 combined first- and third-party suit because Plaintiff's first attorney did not investigate whether Kevin Culpert was in the course and scope of his employment when the accident occurred, and did not add Efficient Design, Kevin Culpert's Employer, to the case at any time before it was dismissed. The Judge ordered the combined cases to be dismissed at a hearing held on July 20, 2012. The order to dismiss was later clarified and amended in regard to the refiling of the first party case only and what damages the Plaintiff could claim against MEEMIC.

On page 1, Defendant-Appellee states, *"on or about February 7, 2013, Efficient requested (among other discovery) copies of Plaintiff's medical records. Culpert also requested various discovery from the Plaintiff, including requests for medical authorizations, on or about March 22, 2013. Plaintiff did not timely respond to these requests. Around the time that these requests were due, Plaintiff had a falling out with her attorney, Daryle Salisbury."* Mr. Salisbury did not provide Plaintiff with said requests until February 21, 2013 (from Efficient Design) and March 8 (from Kevin Culpert), although they were dated February 7, 2013 and February 20, 2013, respectively (Exhibit R, 2-21-13 and 3-8-13 e-mails from Salisbury to Filas). At the time Plaintiff received Efficient Design's interrogatories and request for documents on 2-21-13, Plaintiff and Mr. Salisbury were involved in extensive discussions about matters concerning the no-fault auto case and she was not aware they were attached to an e-mail Mr. Salisbury sent.

Plaintiff dismissed her attorney in a certified letter dated March 8, 2013 (Exhibit S, 3-8-13 letter of dismissal from Filas to Salisbury). As will be further explained below, although the Register of Actions states that a Motion to Withdraw was granted, it is incorrect because Mr. Salisbury did not withdraw as her attorney---he was discharged by the Plaintiff. On March 19, 2013, Plaintiff requested extensions from both Culpert's and Efficient Design's attorneys to complete the interrogatories.) Both attorneys replied that they could not speak with Ms. Filas because the dismissal of Mr. Salisbury was not complete until an order had been entered by the court (Exhibit T, 3-19-13 request for extension to complete interrogatories, e-mailed from Filas to Hassouna and Mr. O'Malley, and their responses). Mr. Salisbury had attempted to persuade Ms. Filas to sign a substitution of attorney stipulation, substituting herself as the attorney of record. Ms. Filas wanted more time to secure the services of another attorney and refused to substitute herself and did not sign the stipulation. Plaintiff received a letter dated April 15, 2013 from Mr. Wright, attorney for Efficient Design, stating that her deposition had been adjourned until the Substitution of Attorney Order had been entered (Exhibit U, 4-15-13 letter from Wright to Filas regarding Substitution of Attorney Order). On April 29, 2013, Mr. Salisbury filed a Motion to Enter Substitution of Attorney Order---he never filed a motion to withdraw (Exhibit V, Salisbury's 4-29-13 Motion to Enter Substitution of Attorney Order).

Mr. Broaddus refers to a May 2, 2013 hearing for which Plaintiff did not order the transcript. Let it be clear that there were no hearings scheduled for May 2, 2013. The Register of Actions for May 1, 2013, indicates only a Status Conference to be held May 2, 2013, with Plaintiff's Motion for Continuance to be heard May 3, 2013, and Efficient Design's Motion to Compel Discovery from Plaintiff to be heard May 10, 2013 (Exhibit W, 5-1-13 and 5-23-13 Register of Actions). When Plaintiff entered the courtroom on Thursday, May 2, 2013, the court

was not conducting motion hearings, as would be held on Fridays in Borman's courtroom. Plaintiff doubts there is any transcript on file for May 2, 2013, because she does not believe any of the statements were made on the record that day. The judge decided not to grant any of the upcoming motions (Plaintiff's Motion for Continuance to be heard May 3, 2013, and Efficient Design's Motion to Compel Discovery from Plaintiff to be heard May 10, 2013) and issued a 30-day stay on discovery or until Plaintiff retained new counsel. A 5-23-13 Register of Actions indicates that the aforementioned scheduled hearings were reset by Court to 5-2-13 on 5-3-13 (Exhibit W, 5-1-13 and 5-23-13 Register of Actions). The judge told Mr. Salisbury she would not enter a substitution order because the Plaintiff wasn't an attorney and that he was supposed to file an order of withdrawal with the court. In a discussion occurring in the court hallway, Mr. Salisbury stated that he would not put in an order to withdraw, and Plaintiff stated that she wasn't going to substitute herself, so the blank order was written to contain the language, *"Daryle Salisbury is hereby discharged as counsel for Plaintiff"* (Exhibit X, 5-3-13 Order Discharging Daryle Salisbury and granting 30-day stay on Discovery). The current Register of Actions incorrectly shows a Motion to Withdraw as Attorney having been granted on 5-2-13 (Exhibit D, Register of Actions dated 6-24-13 and 1-21-14). No motion to Withdraw was ever filed by Mr. Salisbury, and therefore could not have been granted.

On page 2, Defendant-Appellee states, *"Representing herself, Plaintiff had a number of issues with Defendant's discovery requests."* Let it be clear that the issues Plaintiff had with signing medical authorization forms for third-party record copying services arose shortly before the dismissal of the combined first and third-party case that was filed in 2011, before she even hired Mr. Salisbury to represent her. Before Plaintiff-Appellant hired Mr. Salisbury to refile the cases, it was agreed she could provide discovery materials herself, without the use of a records

copy service, which had been an unresolved issue with her previous attorney when the case was dismissed without prejudice. However, her new attorney breached this agreement by sending her third-party, Legal Copy Services authorization forms to sign from the third-party Defendant, Kevin Culpert, and refused to stand up for her right not to use the Legal Copy Services (LCS) forms to meet her obligation to provide discovery material to release her records to the Defendants. Let it be clear that this was the reason that Ms. Filas had to discharge this attorney and that he did not withdraw based on any of Ms. Filas's actions.

On page 2, Defendant-Appellee states, *"as part of this motion to compel, Efficient sought 'signed medical authorizations' from the Plaintiff."* As explained in Appellant's Brief, according to Efficient Design's Request for Production of Documents, Efficient Design sought "*copies of any and all medical records relating to injuries received as a result of the subject accident*" and Plaintiff complied with this request by sending copies of SCAO-mandated form MC 315 to her health care providers so that Mr. Wright could receive copies of said records. Defendant-Appellee continues, *"as Efficient's counsel explained, this had been an ongoing problem dating back to the 2011 case"* and refers to page 6 of the 6-21-13 transcript. On this page of the transcript, Mr. Wright, Efficient's counsel, states, *"the problem is that I think we've been having going on with this case since when I was involved back to 2010 is that Ms. Filas is refusing to provide signed medical authorizations."*

It is not true that Ms. Filas would not provide signed medical authorizations to obtain records for the Defendants in either the dismissed combined first- and third- party case referenced in Mr. Wright's 6-21-2013 statement above or after the first- and third- party cases were filed separately in 2012 and 2013, respectively. Plaintiff-Appellant only refused to sign medical authorizations provided by the defense attorneys that she felt had clauses in them that

she was not required to accept, and/or that gave the defendant's attorney permission to release her records to anyone they wanted to, or that they gave permission to a known non-party to the case, a records copy service, to copy and re-release her records to anyone who qualified to subscribe to their services, which Plaintiff contends is limited to attorneys and insurance companies.

Prior to the 6-21-13 hearing, Ms. Filas was never aware of Mr. Wright's involvement in the combined first- and third- party auto case filed by Mr. Cochran on November 15, 2011. Plaintiff-Appellant informed Mr. Cochran when she hired him that she thought Kevin Culpert may have been in the scope of his employment when he rear-ended her vehicle, because prior to the accident he had almost run her off the road. After he drifted into her lane and she avoided hitting him, she passed him. As she was passing him, she observed he was using a cell phone or other lighted device near the console in his vehicle. Mr. Cochran told Ms. Filas that he would investigate any and all sources of re-numeration that could be provided to Plaintiff- Appellant related to her accident.

Mr. Cochran told Ms. Filas not to sell her vehicle until his investigation was complete. On or around February 2012, Mr. Cochran informed Plaintiff-Appellant, that the maximum award she could get on the third party tort against Kevin Culpert was $20,000 from the Progressive Policy held by Mr. Culpert. Mr. Cochran never mentioned any other sources to Plaintiff-Appellant, from which she could file a claim for damages. In March of 2012, he told her she could sell her truck. The person Plaintiff-Appellant sold her truck to asked he if she looked into any other policies that might offer benefits such as a homeowner's policy or an employer's liability policy. Mr. Cochran continued to state all she could collect was $20,000 in the third party case. He stated this again on May 29, 2012 when she met with him at his office.

When asked if he was still going to hire a biomechanical engineer, as he stated he might do when she hired him, he said no, because she only had a $20,000 third-party claim. He said that if her claim would have been a million dollars, then it would have justified the cost of hiring the engineer.

In July of 2012, Mr. Cochran presented Ms. Filas with a settlement agreement from Mr. Hasounna, Mr. Culpert's attorney, that required her to agree to settle what she believed to be all third party claims, for $20,000 (Exhibit M, 7-19-12 e-mail from Terry Cochran and attached settlement offer from Mr. Hassouna). Ms. Filas did not want to sign any settlement until it had been determined for certain that Mr. Culpert was not in the course and scope of this employment when the accident occurred. Mr. Cochran claimed he was not, but offered no proof. He told her that Mr. Hassouna would vigorously defend any further claims against Kevin Culpert in a letter dated 7-16-12. The submission of this document for evidence does imply that Plaintiff-Appellant accepts the views and accountings of Mr. Cochran's assessment of her medical condition to be factual or accurate. (Exhibit Y, 7-16-12 letter from Cochran to Ms. Filas regarding settlement from Hassouna).

Plaintiff was led to believe by Mr. Cochran that there were not any other responsible parties other the Kevin Culpert that could be added to the third party case. Mr. Cochran said Mr. Hassouna would provide a sworn statement from Mr. Culpert that he was not in the scope of his employment. This was never provided by Mr. Hassouna. Ms. Filas wanted Mr. Cochran to get Mr. Culpert's phone records first and then go from there. He never did any further discovery prior to the final discovery date set by Judge Borman of June 17, 2012 (Exhibit N, Scheduling order for initial consolidated first- and third-party cases showing Discovery Cutoff of 6-17-12).

Plaintiff finds it disturbing that Mr. Wright admits to being involved in her prior combined first- and third-party case filed 11-15-11 by Terry Cochran. Why would Mr. Wright be allowed involvement with that case if he was never listed as a Defendant on that case? Kevin Culpert's phone records were never obtained by Mr. Cochran. Mr. Cochran never deposed Kevin Culpert or sent him interrogatories to determine whether or not Efficient Design was liable for any damages. As Plaintiff has mentioned, she does not understand why Mr. Hassouna could settle Ms. Filas's case with his adjuster in 2012, before or after Judge Borman dismissed the combined first and third party case, without any medical information, based solely on written statements from Plaintiff (unsigned interrogatories from Tamara Filas provided by Mr. Cochran without her final authorization or signature) as he claimed was all he had in in a 6-29-12 e-mail to MEEMIC's attorney, Mr. Orlowski, and, then when the third party tort case was filed separately on January 14, 2013, with Efficient Design added, he all of sudden needed new interrogatories and more medical information than he had before offering to settle in 2012 (Exhibit Z, 6-1-13 Culpert's Motion to Extend Scheduling Dates stating he had no medical records for Plaintiff, 6-29-13 e-mail from Hassouna to Orlowski to determine if he will settle based on written discovery from Plaintiff (interrogatories); Exhibit M, 7-19-12 e-mail from Terry Cochran and attached settlement offer from Mr. Hassouna).

It is reasonable for Plaintiff –Appellant to argue that Mr. Hassouna's adjuster from Progressive Insurance may not have authorized funds from Progressive Insurance to settle the case against Kevin Culpert without additional medical verification of Plaintiff's injuries, and that another entity was going to provide the funds to settle the claim against Kevin Culpert other the Progressive Insurance, or that Mr. Hassouna already had medical records from another source, such as MEEMIC Insurance who was given medical records from the U of M Healthcare System

and/or another major health care provider, or from Mr. Cochran from the personal medical records Ms. Filas gave Mr. Cochran when she hired him in the presence of her father November 3, 2011, or records obtained from blank records copy service forms Mr. Cochran directed Plaintiff to sign at the time she hired him.

Plaintiff believes that even if Mr. Cochran did add Efficient Design to the case a few days before the discovery was scheduled to end, he may not have been able to obtain the evidence he needed to prove Kevin Culpert was in the scope of his employment in time to pursue a claim against Efficient Design.

On page 2 of the 6-21-13 hearing transcript, Defendant-Appellee states, *"Plaintiff did not express any objection to the language of the authorizations at that time,"* the time referred to being at the June 21, 2013 hearing. Let it be clear that at this time, Plaintiff had not even seen the authorizations that Mr. Wright planned to provide to her. Judge Borman ordered Mr. Wright to e-mail his authorization forms to Ms. Filas on 6-21-2013. Ms. Filas did not receive the forms by 5 o'clock at the standard close of business on 6-21-2013. The FedExed authorizations were not delivered to Ms. Filas's porch until 3:00 PM on June 24, 2013 (Exhibit E, 6-24-13 FedEx time/date stamped envelope, stamped 3:00 PM). She did not discover them until after 3:30 p.m. 6-21-13. It would not have been possible for Plaintiff to express objections to authorizations she had never seen. Although Efficient Design's counsel claims he was unable to prepare the authorizations in advance because they didn't know Plaintiff's providers until she had submitted completed interrogatories, Plaintiff-Appellant contends he could have provided blank copies for the Plaintiff to fill in her providers. On pages 2-3, Defendant-Appellee refers to page 9 of the transcript for the June 21, 2013 hearing, and states "*counsel for Culpert, [Mr. Hassouna,] requested 'the same relief' that the Efficient had been given because Culpert had also been*

seeking 'authorizations as well and would like the answers to interrogatories.'" If one were to read the transcript from page 9 to the end, one would see that twice, Plaintiff attempted to inform the judge that she already provided answers to interrogatories and signed, completed, and mailed copies of SCAO-mandated form MC 315 to Mr. Hassouna that morning before the hearing, but she was cut off by the judge and the topic was never returned to (Exhibit AA, pages 9-10 of 6-21-13 transcript). As previously stated, although Mr. Hassouna filed a concurrence with Mr. Wright's motion to dismiss, he stated no arguments or reasons for his concurrence, such as being unsatisfied by the interrogatory answers or the copies of Form MC 315 that had been sent to Ms. Filas is healthcare providers (Exhibit L, 7-22-13 Culpert's Concurrence with Efficient Design's Response to Plaintiff's Objection to Proposed Order of Dismissal).

On page 3, Defendant-Appellee states that, "*Plaintiff did not sign the authorizations by 2:00 PM the following Monday [6-24-13]*" and refers to page 3 of the 6-24-13 transcript, further stating that "*Efficient's counsel explained that Plaintiff 'did stop by my office and she provided some authorizations' but 'they were altered.'*" Plaintiff-Appellant later realized that what Defendant meant by "altered" was that she provided Mr. Wright with copies of completed SCAO-mandated form MC 315 instead of his own personal forms. Plaintiff-Appellant contends that this is not an alteration because in order to make an alteration, she would have had to have Mr. Wright's forms in her possession at the time she delivered the copies of form MC 315 to his office at 11:24 AM on 6-21-13, which she did not. Defendant-Appellee continues, "Plaintiff had also failed to return some of the requested authorizations at all." Again, Plaintiff did not return *any* of Mr. Wright's *personal authorization forms* as she did not have them in her possession yet on the morning of June 21, 2013. She submitted only copies of signed and completed SCAO-mandated Form 315 that had been mailed to her healthcare providers listed in the interrogatories

on June 21, 2013, and certificates of mailing to verify this, were provided to Mr. Wright along with the copies of the forms on the morning of 6-24-13.

Because she did not have any of Mr. Wright's authorization forms at the time she dropped off copies of form MC 315 to his office on 6-24-13, Plaintiff-Appellant could not have selectively chosen specific forms to return to Mr. Wright. In addition to authorization forms for her medical providers, the FedEx packet mailed by Mr. Wrights law firm on June 21, 2013 and delivered to Plaintiff-Appellant's address at 3:00 pm June 24, 2013, after the deadline of Judge Borman's order for Plaintiff-Appellant to produce the medical authorization forms to Mr. Wright at 2:00 pm on June 24, 2013, included additional requests for Plaintiff-Appellant to produce documents and additional authorization forms for Plaintiff-Appellant to fill out to release the documents, which included her academic records, employment records, tax returns, Blue Cross Blue Shield and MEEMIC insurance records, psychotherapy notes, and records from Don Massey Cadillac, never previously requested. The packet from Mr. Wright delivered by FedEx June 24, 2013 at 3:00 pm was delivered after Plaintiff had personally delivered the SCAO medical authorization forms to Mr. Wright's office on June 24, 2013 at 11:24 am, and after the June 24, 2013, 2:00 pm deadline that Judge Borman ordered Plaintiff-Appellant to produce authorization forms provided by Mr. Wright, to Mr. Wright. None of the requests for the production of documents for which the additional authorization were sent, were previously requested by Efficient Design in the original Interrogatories or Requests for Production of Documents mailed to Plaintiff-Appellant April 30, 2013, that Plaintiff-Appellant complied with delivering to Mr. Wright on June 21, 2013 at the Court. Plaintiff-Appellant was not previously aware Efficient Design desired for her to produce the additional documents. Plaintiff-Appellant did not "alter" by selectively choosing specific records to be received by Efficient Design. The

request for these additional records was never made until after she mailed the SCAO medical authorizations to release her medical records to Mr. Wright on June 21, 2013. Plaintiff-Appellant contends a new Motion to Compel would need to be filed in order to request records beyond those originally requested and for which the 6-21-13 Motion to Compel was in regard.

Defendant-Appellee states on page 3 that the Plaintiff did not appear for the 6-24-13 hearing and brings up a claim that Ms. Filas was impersonating her mother, after Plaintiff already rebutted this claim and provided a sworn affidavit from her mother in her 8-6-13 Reply To Plaintiff's Objection To Defendant Efficient Design Inc.'s Proposed Order Of Dismissal Without Prejudice. Plaintiff-Appellant did not appear at the court on 6-24-13 because she was never contacted by Mr. Wright that the authorizations he received that morning were unacceptable to him. Plaintiff is disturbed that the court clerk, Precious Smith, would accuse her of impersonating her mother. Plaintiff is uncertain why Ms. Smith would have called her mother's phone number, 734-981-0666, in the first place, as it does not appear on any of the court filings or as the contact number in the e-filing records. Plaintiff only has one cell phone with the number 734-751-0103, that is equipped with voice mail service. Ms. Smith has called and left messages at Plaintiff's correct number in the past, so it is unusual that she would try to call Plaintiff's mother's number this time. Plaintiff has provided a sworn affidavit from her mother, with caller ID and phone records to substantiate that the court clerk spoke to Plaintiff's mother, not Plaintiff herself, and called Plaintiff's mother's number instead of the number on file for the Plaintiff (Exhibit BB, 6-24-13 phone and caller ID records, 8-5-13 affidavit of Kathleen Filas).

At the June 21, 2013 hearing, Plaintiff's understanding was that she had to deliver signed authorizations to Mr. Wright by 2:00 PM, not that she had to make a court appearance with the authorizations at 2:00 PM. On page 8 of the transcript, the Court states, "If he does not get those

authorizations by Monday or you can come back Monday at 2 o'clock, and you can come back with the authorizations." On page 17 of the 6-21-13 transcript, the Court states, "I'll see you Monday, hopefully not," indicating that if Plaintiff submitted the authorizations to Mr. Wright, there would be no reason for anyone to come to court at 2:00 p.m. on June 20, 2013. Plaintiff looked at the Register of Actions on the morning of June 24, 2013 and printed a Register of Actions on June 24, 2013 after the close of court at 4:30 PM and no hearing was shown for June 24, 2013 (Exhibit D, Register of Actions dated 6-24-13 and 1-21-14). However, currently the Register of Actions lists a "special conference" held on June 24, 2013 at 2:00 PM.

Plaintiff was not aware a "special conference" was going to be held on June 24, 2013 at 2:00 PM. Defendant's attorney, Mr. Wright never informed Plaintiff that the fully executed authorizations that Plaintiff had signed and mailed June 21, 2013 to her providers that she hand delivered copies to his office at 11:24 AM June 24, 2013 were deemed by Mr. Wright to be "altered", necessitating a court appearance at 2:00 PM June 24, 2013. Defendant-Appellee states on page 3, *"At that point [the 8-9-13 hearing], Plaintiff indicated, for the first time in this lawsuit, that 'I have a problem with some of the clauses.'"* Again, let it be clear that Plaintiff did not receive any authorization forms from Mr. Wright until after she had already mailed copies of SCAO-mandated Form MC 315 to her healthcare providers on June 21, 2013. Therefore, in her 7-5-13 and 8-6-13 Objections to the 7-Day Order of Dismissal, Plaintiff argued only that she had met her obligation to provide her medical records to Mr. Wright and that her case should not have been dismissed. Plaintiff argued that Mr. Wright requested records beyond those for which his Motion to Compel was based. Plaintiff never expected the judge to order her at the 8-9-13 hearing to either re-request her medical records from the same 20-some healthcare providers, using Mr. Wright's personal forms, or let her case be dismissed. Therefore, Plaintiff did not

argue her concerns with Mr. Wright's forms prior to the 8-9-13 hearing. Plaintiff had to allow her case to be dismissed, knowing that she had already completed her legal obligation to submit her medical records when she sent out copies of form MC 315 to her providers, and was under no obligation to repeat the entire process using Mr. Wright's forms. Let it be clear that as soon as Plaintiff brought up to Judge Borman that she had a problem with the clauses, she was immediately cut off from speaking about the issues because the Judge stated she had already ruled on that (Exhibit P, 8-19-13 transcript, pg. 3-4, showing Ms. Filas was not permitted to present her arguments regarding Mr. Wright's forms). Therefore, Plaintiff-Appellant should not be faulted for not bringing up her issues with the forms until 8-9-13, and for not having preserved them in writing in the third-party case. As stated previously, this is the reason Plaintiff-Appellant refers to filings from the first-party case---because the judge did not allow her to provide oral arguments in regards to Plaintiff's issues with the medical authorization forms she was being asked to sign in the third-party case. If Plaintiff had filed a motion for reconsideration in the third-party case, although she could have discussed her objections to the medical authorization forms in writing, she likely would have been accused by the judge of filing a frivolous motion for the fact that the judge told her that she already ruled on this issue in the first-party case, just moments before dismissing her third-party case, and would likely consider it a waste of the court's time since Plaintiff already knew the judge's opinion on the issue.

It is extremely important to note that prior to the hearing on Efficient Design's Motion to Compel on June 21, 2013, and prior to the dismissal of claims against Efficient Design on June 24, 2013 by Judge Borman in the third party tort case filed on January 14, 2013, Plaintiff-Appellant had already filed a Claim of Appeal with the Appellate Court on June 20, 2013, appealing the decision of Judge Borman to dismiss Plaintiff's first-party no-fault auto case

against MEEMIC Insurance because Plaintiff-Appellant refused to sign forms provided from a records copy service "as-is" that were provided by MEEMIC insurance for her to sign to release her medical information to that service to meet her obligation to provide medical records to MEEMICS's attorney (Exhibit CC, 4-26-13 transcript from dismissal of MEEMIC case, pg. 4-5).

PLAINTIFF-APPELLANT'S ANSWER TO STANDARDS OF REVIEW

Defendant-Appellee claims the Court of Appeals *"reviews for an abuse of discretion"* which *"occurs only when the trial court's decision is outside the range of reasonable and principled outcomes."* Plaintiff-Appellant contends that the trial court's decision to dismiss her case because it refused to accept the copies of SCAO-mandated Form MC 315 she had already sent to her healthcare providers to disclose copies of her medical records to both Defendants, Kevin Culpert and Efficient Design, is an abuse of discretion, and is outside the range of reasonable and principled outcomes. There are only 4 principled outcomes, a-d, when a party is served with a request for production of documents, as provided under MCR 2.314(C)(1).

MCR 2.314(C)(1), Response by Party to Request for Medical Information, states:

(1) A party who is served with a request for production of medical information under MCR 2.310 must either:

(a) make the information available for inspection and copying as requested;

(b) assert that the information is privileged;

(c) object to the request as permitted by MCR 2.310(C)(2); or

(d) furnish the requesting party with signed authorizations in the form approved by the state court administrator sufficient in number to enable the

requesting party to obtain the information requested from persons, institutions, hospitals, and other custodians in actual possession of the information requested.

Since Plaintiff-Appellant's submission of SCAO-Mandated form MC 315, the form approved by the state court administrator, to her health care providers would satisfy MCR 2.314(C)(1)(d), and Plaintiff can also be considered to have satisfied MCR 2.314(C)(1)(a) because she did make the information available to the Defendants by sending form MC 315 to her healthcare providers, the outcome of having her case dismissed cannot be considered to be a "reasonable and principled outcome."

PLAINTIFF-APPELLANT'S ANSWER TO ARGUMENT

On pages 5 and 6, Defendant-Appellee refers to assertions of privilege, which is completely irrelevant to this case as Plaintiff did not assert any privilege, and provided copies of signed, completed, medical authorization forms to her health care providers so that both Defendants, Kevin Culpert and Efficient Design, could receive copies of Plaintiff's medical records. Although Plaintiff's argument #1 in her Appellant's Brief Plaintiff-Appellant stated that she believed it was reasonable for her not to disclose her records to Efficient Design until it was verified they were a liable party in the case, this was not the same as an assertion of privilege under 2.314(B). Plaintiff still contends she should not have had to release personal or medical information to Efficient Design until they had admitted liability, to avoid having her case dismissed, so she followed the Judge's order to provide medical record authorization release

forms to Mr. Wright, as previously explained. (Exhibit B, Relevant page of Mr. Wright's 2-5-13 Answer to Complaint against Efficient Design stating Culpert was not an agent of Efficient Design and was not in the course and scope of his employment when the alleged accident occurred).

On page 7, Defendant-Appellee states, *"Plaintiff's principal argument on appeal - that the trial court ordered her to sign authorizations that were inconsistent with the 'SCAO-mandated' forms - was not raised below, and therefore is not preserved for appellate review."* Plaintiff's *principal* argument on appeal was not *"that the trial court ordered her to sign authorizations that were inconsistent with the 'SCAO-mandated' forms."* Although Plaintiff-Appellant did argue that she cannot be required to sign forms that differed from the State Court Administrative Office, Plaintiff-Appellant's *principal* argument on appeal was that she had met her legal obligation to provide her medical records to the Defendants under MCR 2.314(C)(1)(a) and/or MCR 2.314(C)(1)(d) when on June 21, 2013, she provided Defendant, Kevin Culpert's attorney, Mr. Hassouna, with copies of completed, signed SCAO-mandated Form MC 315 medical authorization forms, that had already been mailed to Plaintiff's healthcare providers on June 19, 2013; and provided Mr. Wright, attorney for Efficient Design, Inc., with the same documents (answers to interrogatories and completed, fully executed SCAO MC-315 medical release forms), but addressed so that Mr. Wright would receive the Plaintiff's medical records, from the authorizations mailed on June 21, 2013 at his business address. Plaintiff-Appellant delivered certificates of mailing and copies of the filled out SCAO forms that were already mailed, to Mr. Wright's office at 11:24 a.m. on June 24, 2013. Let it be clear that Plaintiff-Appellant began to raise her issues regarding Mr. Wright's authorization forms, which were not received by her until after she already mailed copies of MC 315 to her healthcare providers, at

the August 9, 2013 hearing. The judge did not permit Plaintiff to state her arguments on the record because she had already ruled on the issue of medical authorization forms in Plaintiff's first-party auto case. Plaintiff does not consider herself to have raised any new arguments in her appeal that were not already raised before the same judge, and previously ruled upon in the trial court.

Whether or not the issue of the SCAO forms was preserved or not still does not change the fact that the Plaintiff met her legal obligation under MCR 2.314(C)(1)(a) to provide her medical records to the Defendants by *"[making] the information available for copying and inspection as requested,"* as explained in Argument #2 of Appellant's Brief. Under MCR 2.314(C)(1)(a), it doesn't matter what forms were used, as long as the records were provided.

On page 8, Defendant-Appellee states, "*Dismissing the case, in light of Plaintiff's conduct, also fell squarely within the Circuit Courts' broad inherent authority.*" Plaintiff contends that her request to the Court to be permitted to follow the procedures outlined in the Michigan Court Rules, i.e. MCR 2.314(C)(1), in no way constitutes improper conduct on the Plaintiff's part.

There is no defined method of providing medical records under MCR 2.314(C)(1)(a), which merely states the obligation to *"make the information available for copying and inspection as requested"* which Plaintiff did. MCR 2.314(C)(1)(d) provides for the use of form MC 315, which states the option of "*furnish[ing] the requesting party with signed authorizations* ***in the form approved by the State Court Administrator*** *sufficient in number to enable the requesting party to obtain the information requested from persons, institutions, hospitals, and other custodians in actual possession of the information requested.*" Under MCR 2.314(C)(1)(d), it is mandated that the authorization form to be used is MC 315. The PDF of the

list of court-mandated forms, located at http://courts.mi.gov/Administration/SCAO/Forms/Documents/Mandatory%20Use%20List/mandatory_use_lists.pdf, indicates that MC forms are for circuit court use. MC 315 would therefore be used in the circuit court. (See Exhibit J, List of SCAO-mandated forms; and Exhibit K, SCAO-mandated form MC 315).

The position of the Michigan Supreme Court in regard to the use of Form MC 315 was re-confirmed on 6-23-11, in a memorandum from Chad C. Schmucker, State Court Administrator, sent to Chief Judges, Court Administrators/Clerks, Probate Registers, County Clerks, and SCAO Regional Administrators. He states, *"We have received some reports of courts refusing to accept SCAO-approved court forms. It has been difficult to determine specifically where this is occurring and whether it is a court policy, a practice of an individual judge, or simple misunderstanding by a court clerk. This memo is intended to clarify what is already the practice of almost all of the courts across the state."* Mr. Schmucker quotes the procedural rules regarding forms contained in MCR 1.109, stating, "*Unless specifically required by statute or court rule,* ***the court may not mandate the use of a specific form****, whether SCAO-approved or locally developed."* Mr. Schmucker also clarifies that, "*Courts cannot impose additional procedures beyond those contained in the court rules. Therefore,* ***all courts must accept court forms approved by the Supreme Court or the state court administrator***" (Exhibit DD, 6-23-11 Memorandum from Chad C. Schmucker, State Court Administrator). Therefore, Plaintiff's submission of MC 315 should have been accepted by the lower court. Further, Plaintiff-Appellant previously contended that the only form Judge Borman could have ordered her to sign would have been SCAO-mandated Form MC 315. Plaintiff-Appellant now changes her position and contends that the Court could not have mandated her to use any specific form,

including MC 315.

PLAINTIFF-APPELLANT'S ANSWER TO

CONCLUSION AND RELIEF REQUESTED

Defendant-Appellee states on page 9 that "*There is no dispute that Defendants were entitled to the authorizations requested.*" This statement is nonsensical because there is obviously a dispute or the case would not be in the Court of Appeals for the Plaintiff contending that she satisfied her obligation to produce her medical records and that she did not have to provide Mr. Wright with his own personal authorization forms.

Plaintiff-Appellant contends she had no legal obligation to produce discovery records to Mr. Wright using non-specific "as-is" medical authorization forms selected and provided by Mr. Wright, that neither she or the Judge were given a copy of on June 21, 2013 when Judge Borman ordered her to sign Mr. Wright's forms "as is." Furthermore, Plaintiff-Appellant contends that her sole obligation was to provide her medical records. MCR 2.314(C)(1)(a) provides the Plaintiff-Appellant the choice to "*make the information available for copying and inspection as requested,*" without the necessity of providing any specific type of authorization forms to the Defendant at all.

If Plaintiff-Appellant would not have provided any forms to Mr. Wright on June 24, 2013, her case would surely have been dismissed by Judge Borman. Plaintiff- Appellant has shown her good faith to provide her medical records to Mr. Wright as evidenced by her action to provide medical records to Mr. Wright, and by not rescinding any of the authorizations, some of which had already been fulfilled by June 24, 2013, even though Mr. Wright has still not met Judge Borman's order to depose Mr. Culpert to determine if he was in the scope of his

employment when the accident occurred on January 15, 2010 (Exhibit H, 8-2-13 e-mail from Ms. Filas to Mr. Hassouna, Mr. Wright and Mr. O'Malley; and Mr. Hassouna's response).

Plaintiff-Appellant fully understands that it is legal for parties to agree sign authorization forms that have objectionable clauses, as long as the parties are in agreement with the objectionable, questionable or ambiguous clauses. However, Plaintiff-Appellant was not in agreement with signing forms "as-is" provided by the Defendant-Appellee that she contends could cause her harm.

Plaintiff-Appellant knows of no provision in the Michigan No Fault Insurance Act, or any other law, that would trump the use of mandated SCAO form MC 315 for the production of discovery documents containing Plaintiff-Appellant's private medical records or, would allow the lower court to order and mandate the Plaintiff-Appellant to produce the medical her records using an authorization form, "as-is," sight unseen, to be provided to Plaintiff-Appellant by the Defendant-Appellee without allowing Plaintiff-Appellant to object to and/or refuse to sign the "as-is" documents. As the 6-23-11 Supreme Court memo states, quoted from MCR 1.109, "*Unless specifically required by statute or court rule, the court may not mandate the use of a specific form, whether SCAO-approved or locally developed*" (Exhibit DD, 6-23-11 Memorandum from Chad C. Schmucker, State Court Administrator). Therefore, the Court could not order Plaintiff to use any specific form.

Plaintiff also contends she is not required to provide medical records not listed on the SCAO form that were required on Mr. Wright's forms she received on 6-24-13, without a "just cause" hearing, before she could be required to provide them. Plaintiff-Appellant further contends she was not obligated to produce records beyond the medical records requested in Mr. Wright's 4-30-13 Request for Production of Documents to Plaintiff, which was the basis for his

Motion to Compel, for which the hearing was held on 6-21-13, and that a new Motion to Compel must be filed by Mr. Wright to obtain an order for her to produce additional records that were not requested in the 4-30-13 Request for Production of Documents to Plaintiff, and this was also not a valid reason to dismiss her case.

On page 9, Defendant-Appellee states, "*Since Plaintiff has not cited any precedent contrary to the trial court's decision, it is impossible for her to say that the trial court erred.*" No precedent would be required for a case in which clear and unambiguous court rule, MCR 2.314(C)(1), has been violated by the Circuit Court's ruling to dismiss Plaintiff-Appellant's case based on the court's refusal to allow Plaintiff-Appellant to provide her medical records to the Defendant-Appellees in the method(s) provided for under MCR 2.314(C)(1)(a) and/or MCR 2.314(C)(1)(d).

It is also highly probable that there are no other similar cases to Plaintiff's current first- and third- party cases, in which a party is attempting to uphold court rule MCR 2.314(C)(1). It can reasonably be argued that most people involved in an auto accident hire an attorney to handle their claims. It is not uncommon for a person to trust what their lawyer tells them. Plaintiff herself was caught in this trap when she signed illegal blank forms for her first attorney, believing that his practices were legal at the time until she was told otherwise by one of her healthcare providers. It can reasonably be argued therefore that most people would sign the forms they were provided by their attorneys without question, and without investigating the court rules regarding the production of medical records. Therefore, it is highly probable that no other case such as Ms. Filas's first- and third- party cases currently in the Court of Appeals, regarding the right of the Plaintiff to use the SCAO form MC 315 to provide medical information to Defendants, has ever been challenged, dismissed and appealed to the Court of Appeals.

It is also unusual that Plaintiff would have to go to such lengths to have a clear and unambiguous Court Rule, MCR 2.314(C)(1), followed by the Circuit Court. On page 9, Defendant-Appellee states, "*it is not enough for an appellant in his brief simply to announce a position or assert an error and then leave it up to this Court to discover and rationalize the basis for his claims, or unravel and elaborate for him his arguments, and then search for authority either to sustain or reject his position.*" In her Brief, Plaintiff-Appellant clearly stated Court Rule MCR 2.314(C)(1) in its entirety, and provided clear arguments and rationale for having met the requirements to provide her medical records to the Defendants. There is nothing the Court of Appeals would be required to discover, unravel or elaborate for the Plaintiff-Appellant. Their only responsibility is to require that the lower court uphold the provisions of MCR 2.314(C)(1) and consider Plaintiff-Appellant's obligation to provide her medical records to have been met under MCR 2.314(C)(1)(a) and/or MCR 2.314(C)(1)(d).

Further, it would not even be logical that all cases before the Court of Appeals would be required to state a precedent, because no new issues could ever be brought up and settled and there would be no point in even having a Court of Appeals.

As an intermediate appellate court, the principal function of this Court of Appeals is to correct errors made by lower courts. *Halbert v Michigan,* 545 US 605, 617 n 3: 125 S Ct 2582 (2005). Clearly, an error has been made by the lower court's refusal of Plaintiff-Appellant's submission of SCAO-mandated Form MC 315, that was sent to her health care providers so that her medical records could be received by both Defendants, Kevin Culpert and Efficient Design. As previously stated, the proper relief would be to require that the lower court uphold the provisions of MCR 2.314(C)(1) and consider Plaintiff-Appellant's obligation to provide her medical records to the Defendants to have been met under MCR 2.314(C)(1)(a) and/or MCR

2.314(C)(1)(d). For the reasons stated above, Plaintiff-Appellant requests that the Court deny Defendant-Appellee's Motion to Affirm.

Further, Plaintiff believes it was an error on the part of the Circuit Court to dismiss her entire case against both Kevin Culpert and Efficient Design. They involve different insurance companies and different policies. In the lower court proceedings, Plaintiff complied with all requests from Kevin Culpert's attorney, Mr. Hassouna, and he did not object to the method by which Plaintiff provided medical records to him. Although Mr. Hassouna did state that he was in concurrence with Mr. Wright's Order to Dismiss, he provided no additional reasons on his own behalf to have Kevin Culpert's case dismissed. Also, as explained previously, it is unusual that Mr. Broaddus, appellate attorney replacing circuit court attorney, Mr. Hassouna, is now arguing his Motion to Affirm on behalf of Defendant Efficient Design, whom he does not even represent, and still does not bring up any issues regarding the forms that Plaintiff provided to Mr. Hassouna. Plaintiff still contends that the dismissal of her case against Kevin Culpert should be reversed by this Court, regardless of the decision pertaining to the dismissal of Plaintiff's case against Efficient Design.

Signature redacted

1-21-14
Date

Tamara Filas
6477 Edgewood
Canton, MI 48187
(734) 751-0103
filastamd7@gmail.com

Exhibit A

2. Admit that Plaintiff is not currently under any doctor's disabilities related to this accident. If your answer is anything less than a complete admission, please provide any and all documentation in support of your answer.

RESPONSE:

3. Admit that Plaintiff is currently working. If your answer is anything less than a complete admission, please provide and all documentation in support of your answer.

RESPONSE:

4. Admit that Plaintiff is able to work. If your answer is anything less than a complete admission, please provide any and all documentation in support of your answer.

RESPONSE:

Request for Production of Documents to Plaintiff

1. Copies of any and all medical records relating to injuries received as a result of the subject accident.

RESPONSE

2. Please produce copies of any and all photographs with regard to this accident.

RESPONSE

Defendants will pay reasonable photocopying costs for the documents produced.

Zausmer, Kaufman, August, & Caldwell, P.C.

JAMES C. WRIGHT (P67613)
Attorney for Defendant Efficient Design
31700 Middlebelt Road, Suite 150
Farmington Hills, MI 48334
(248) 851-4111

Dated: February 7, 2013

Zausmer, Kaufman, August & Caldwell, P.C.
31700 Middlebelt Road, Suite 150, Farmington Hills, MI 48334-2374 • 721 N. Capitol, Suite 2, Lansing, MI 48906-5163

is receiving Medicare/Medicaid benefits. If so, please sign the enclosed authorization form, and submit with your Answers to these Interrogatories pursuant to MCR 2.310.

ANSWER:

5. Will you agree to supplement these answers throughout the course of discovery if any answer becomes incorrect?

ANSWER:

Zausmer, Kaufman, August & Caldwell, P.C.

JAMES C. WRIGHT (P67613)
Attorneys for Defendant Efficient Design
31700 Middlebelt Road, Suite 150
Farmington Hills, MI 48334
(248) 851-4111

Dated: February 7, 2013

Zausmer, Kaufman, August & Caldwell, P.C.
31700 Middlebelt Road, Suite 150, Farmington Hills, MI 48334-2374 • 721 N. Capitol, Suite 2, Lansing, MI 48906-5163

Exhibit B

8. Plaintiff's Complaint is barred in whole or in part by the Doctrine of Release.

9. Plaintiff's Complaint is barred in whole or in part by the Last Clear Chance Doctrine.

10. Defendant maintains that it is entitled to reimbursement of costs and attorney fees pursuant to MCR 2.625(2) because the claims brought are frivolous within the meaning of that court rule.

11. Under the terms, conditions and provisions of the so-called No-Fault Act, MCLA 500.3101, et seq., Plaintiff may not recover against the Defendant for items of economic expense including, but not limited to, medical, hospital, drug bills, lost earnings and lost earning capacity.

12. Another person or entity is at fault, whether a party or non-party, and pursuant to MCL 600.2957 and MCR 2.112(K), fault must be allocated to them.

13. Venue is improper.

14. Sudden emergency.

15. Defendants are not an owner of the vehicle involved in the accident.

16. Defendant Culpert was not an agent of Defendant Efficient Design, Inc. and was not in the course and scope of his employment when the alleged accident occurred.

17. Further, Defendant reserves the right to file further Affirmative Defenses which may be revealed by discovery.

Zausmer, Kaufman, August & Caldwell, P.C.

/s/ James C. Wright
JAMES C. WRIGHT (P67613)
Attorneys for Defendant Efficient Design
31700 Middlebelt Road, Suite 150
Farmington Hills, MI 48334
(248) 851-4111

Dated: February 5, 3013

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Exhibit C

Exhibit C

6477 Edgewood
Canton, MI 48187
June 24, 2013

Mr. James Wright
31700 Middlebelt Rd., Suite 150
Farmington Hills, MI 48334

Dear Mr. Wright,

Attached please find copies of fully executed authorizations to health care providers. Copies of certificates of mailing are attached to verify mailing on June 21, 2013.

Yours truly,

Signature redacted

Tamara Filas

Received by: _____

Date/time: 6-24-13 11:24Am

Exhibit D

Exhibit D pg. 1

REGISTER OF ACTIONS

CASE NO. 13-000652-NI

RELATED CASE INFORMATION

Related Cases

11-014149-NF (Prior Action)

PARTY INFORMATION

		Lead Attorneys
Defendant	**CULPERT, KEVIN THOMAS**	**Ahmed M. Hassouna** *Retained* (248) 764-1127(W)
Defendant	**EFFICIENT DESIGN, INC.**	**James C. Wright** *Retained* (248) 851-4111(W)
Plaintiff	**Filas, Tamara**	**Pro Se**
Plaintiff	**FILAS, TAMARA**	**Daryle G. Salisbury** *Retained* (248) 348-6820(W)

EVENTS & ORDERS OF THE COURT

OTHER EVENTS AND HEARINGS

01/14/2013 **Service Review Scheduled**
(Due Date: 04/15/2013) (Clerk: Tyler,F)

01/14/2013 **Status Conference Scheduled**
(Clerk: Tyler,F)

01/14/2013 **Case Filing Fee - Paid**
$150.00 Fee Paid (Clerk: Tyler,F)

01/14/2013 **Complaint, Filed**
(Clerk: Bynum,D)

02/06/2013 **Answer to Complaint-with Jury Demand, Filed**
Proof of Service, Filed; Affirmative Defenses, Filed (Clerk: Tyler,F)

02/06/2013 **Proof of Service, Filed**
(Clerk: Tyler,F)

02/07/2013 **Request for Admissions, Filed**
(Clerk: Tyler,F)

02/12/2013 **Appearance of Attorney, Filed**
(Clerk: Tyler,F)

02/19/2013 **Service of Complaint, filed**
(Clerk: Tyler,F)

02/19/2013 ***Answer to Affirmative Defenses, Filed***
(Clerk: Tyler,F)

02/20/2013 **Answer to Complaint-with Jury Demand, Filed**
Proof of Service, Filed; Affirmative Defenses, Filed (Clerk: Tyler,F)

02/20/2013 **Witness List, Filed**
Proof of Service, Filed (Clerk: Tyler,F)

02/25/2013 **Affirmative Defenses, Filed**
(Clerk: Tyler,F)

03/11/2013 **Appearance of Attorney, Filed**
(Clerk: Tyler,F)

03/26/2013 **Motion to Extend Time, Filed**
Fee: $20.00 Paid; Brief, Filed; Proof of Service, Filed; Notice of Hearing, Filed (Clerk: Tyler,F)

04/03/2013 **Notice of Hearing, Filed**
(Clerk: Tyler,F)

04/04/2013 **Praecipe, Filed** (Judicial Officer: Borman, Susan D.)

04/19/2013 ***Notice of Hearing, Filed***
(Clerk: Tyler,F)

04/19/2013 **Motion to Compel Answers to Interrogatories, Filed**
Fee: $20.00 Paid; Brief, Filed; Proof of Service, Filed; Notice of Hearing, Filed (Clerk: Tyler,F)

04/22/2013 **Motion to Consolidate, Filed**
Fee: $20.00 Paid; Brief, Filed; Proof of Service, Filed; Notice of Hearing, Filed (Clerk: Tyler,F)

04/24/2013 **Praecipe, Filed** (Judicial Officer: Borman, Susan D.)

04/24/2013 **Notice of Hearing, Filed**
(Clerk: Tyler,F)

04/26/2013 *CANCELED* **Motion Hearing** (9:00 AM) (Judicial Officer: Borman, Susan D.)

Exhibit D pg. 2

Scheduling Error
Scheduling Error
04/12/2013 Reset by Court to 04/26/2013

04/29/2013 **Miscellaneous Motion, Filed**
Fee: $20.00 Paid; Brief, Filed; Proof of Service, Filed; Notice of Hearing, Filed (Clerk: Tyler,F)

04/30/2013 **Motion to Compel Action, Filed**
Fee: $20.00 Paid; Brief, Filed; Proof of Service, Filed; Notice of Hearing, Filed (Clerk: Tyler,F)

05/01/2013 **Praecipe, Filed** (Judicial Officer: Borman, Susan D.)

05/02/2013 **Status Conference** (9:30 AM) (Judicial Officer Borman, Susan D.)
04/15/2013 Reset by Court to 04/19/2013
04/19/2013 Reset by Court to 04/23/2013
04/23/2013 Reset by Court to 05/02/2013
Result: Held

05/02/2013 **Motion Hearing** (9:30 AM) (Judicial Officer Borman, Susan D.)
Plaintiff - Plaintiff's Motion for Continuance
04/12/2013 Reset by Court to 04/26/2013
04/26/2013 Reset by Court to 05/03/2013
05/03/2013 Reset by Court to 05/02/2013
Result: Held

05/02/2013 **Motion Hearing** (9:30 AM) (Judicial Officer Borman, Susan D.)
Defendant Efficient Design - Motion to Compel Discovery From Plaintiff
05/10/2013 Reset by Court to 05/02/2013
Result: Held

05/02/2013 **Status Conference Scheduling Order, Signed and Filed** (Judicial Officer: Borman, Susan D.)
s/c 12-10, w/l 7-11, disc 10-13, ce 10-28, 2nd s/c 12-16 (Clerk: Smith,P)

05/02/2013 **Motion Denied, Order to Follow** (Judicial Officer: Borman, Susan D.)
denied continuance (Clerk: Smith,P)

05/02/2013 **Motion to Compel Action Granted, Order to Follow** (Judicial Officer: Borman, Susan D.)
(Clerk: Smith,P)

05/02/2013 **Motion to Withdraw as Attorney Granted, Order to Follow** (Judicial Officer: Borman, Susan D.)
(Clerk: Smith,P)

05/02/2013 **Status Conference Scheduling Order, Signed and Filed**
(Clerk: Tyler,F)

05/02/2013 **Status Conference Scheduling Order, Signed and Filed** (Judicial Officer: Borman, Susan D.)

05/03/2013 *CANCELED* **Motion Hearing** (9:00 AM) (Judicial Officer Borman, Susan D.)
Dismiss Hearing or Injunction
Dismiss Hearing or Injunction

05/03/2013 **Appearance of Attorney, Filed**
(Clerk: Tyler,F)

05/03/2013 **Order for Miscellaneous Action, Signed and Filed**
(Clerk: Tyler,F)

05/06/2013 **Settlement Conference Scheduled**
(Clerk: Fowler,R)

05/06/2013 **Notice of Hearing, Filed**
(Clerk: Tyler,F)

05/10/2013 **Notice of Hearing, Filed**
(Clerk: Tyler,F)

06/06/2013 **Answer to Motion, Filed**
(Clerk: Tyler,F)

06/10/2013 **Notice of Hearing, Filed**
(Clerk: Tyler,F)

06/14/2013 **Motion to Vacate Order, Filed**
Fee: $20.00 PAID (Clerk: Tyler,F)

06/14/2013 **Motion to Compel Action, Filed**
Fee: $20.00 Paid; Brief, Filed; Proof of Service, Filed; Notice of Hearing, Filed (Clerk: Tyler,F)

06/17/2013 **Answer to Motion, Filed**
(Clerk: Tyler,F)

06/17/2013 **Answer to Motion, Filed**
(Clerk: Tyler,F)

06/18/2013 **Answer to Motion, Filed**
(Clerk: Tyler,F)

06/19/2013 **Answer to Motion, Filed**
(Clerk: Tyler,F)

06/19/2013 **Praecipe, Filed** (Judicial Officer: Borman, Susan D.)

06/19/2013 **Praecipe, Filed** (Judicial Officer: Borman, Susan D.)

06/19/2013 **Praecipe, Filed** (Judicial Officer: Borman, Susan D.)

06/19/2013 **Answer to Motion, Filed**
(Clerk: Tyler,F)

Exhibit pg. 3

06/21/2013 **Motion Hearing** (9:00 AM) (Judicial Officer Borman, Susan D.)
df Efficient design mtn to compel
Result: Held

06/21/2013 **Motion Hearing** (9:00 AM) (Judicial Officer Borman, Susan D.)
Defendant - Defendant's Motion to Compel Answers to Interrogatories and Production of Documents
Result: Held

06/21/2013 **Motion Hearing** (9:00 AM) (Judicial Officer Borman, Susan D.)
Plaintiff - MOTION TO COMPEL DEFENDANT TO RETURN INADVERTENTLY PRODUCED DISCOVERY MATERIALS
06/28/2013 Reset by Court to 06/21/2013
Result: Held

06/21/2013 **Motion Hearing** (9:00 AM) (Judicial Officer Borman, Susan D.)
Plaintiff - MOTION TO VACATE PROTECTIVE ORDER
06/28/2013 Reset by Court to 06/21/2013
Result: Held

06/21/2013 **Order for Miscellaneous Action, Signed and Filed**
(Clerk: Tyler,F)

06/21/2013 **Motion to Compel Action Granted, Order to Follow** (Judicial Officer: Borman, Susan D.)
(Clerk: Smith,P)

06/21/2013 **Motion to Compel Action Granted, Order to Follow** (Judicial Officer: Borman, Susan D.)
(Clerk: Smith,P)

06/21/2013 **Motion for Discovery Granted, Order to Follow** (Judicial Officer: Borman, Susan D.)
return discovery paper work (Clerk: Smith,P)

06/21/2013 **Motion Denied, Order to Follow** (Judicial Officer: Borman, Susan D.)
denied mtn to vacate (Clerk: Smith,P)

06/21/2013 ***Witness List, Filed***
Proof of Service, Filed (Clerk: Tyler,F)

10/23/2013 **Case Evaluation - General Civil**
(Clerk: Fowler,R)

12/10/2013 **Settlement Conference** (9:30 AM) (Judicial Officer Borman, Susan D.)

No "special conference" listed

Register of Actions

Case No. 13-000652-NI

Related Case Information

Related Cases
11-014149-NF (Prior Action)

Party Information

		Lead Attorneys
Defendant	**CULPERT, KEVIN THOMAS**	**Ahmed M. Hassouna** *Retained* (248) 764-1210(W)
Defendant	**EFFICIENT DESIGN, INC.**	**James C. Wright** *Retained* (248) 851-4111(W)
Plaintiff	**Filas, Tamara**	**Pro Se**
Plaintiff	**FILAS, TAMARA**	**Daryle G. Salisbury** *Retained* (248) 348-6820(W)

Events & Orders of the Court

OTHER EVENTS AND HEARINGS

01/14/2013 **Service Review Scheduled**
01/14/2013 **Status Conference Scheduled**
01/14/2013 **Case Filing Fee - Paid**
01/14/2013 **Complaint, Filed**
02/06/2013 **Answer to Complaint-with Jury Demand, Filed**
02/06/2013 **Proof of Service, Filed**
02/07/2013 **Request for Admissions, Filed**
02/12/2013 **Appearance of Attorney, Filed**
02/19/2013 **Service of Complaint, filed**
02/19/2013 **Answer to Affirmative Defenses, Filed**
02/20/2013 **Answer to Complaint-with Jury Demand, Filed**
02/20/2013 **Witness List, Filed**
02/25/2013 **Affirmative Defenses, Filed**
03/11/2013 **Appearance of Attorney, Filed**
03/26/2013 **Motion to Extend Time, Filed**
04/03/2013 **Notice of Hearing, Filed**
04/04/2013 **Praecipe, Filed** (Judicial Officer: Borman, Susan D.)
04/19/2013 **Notice of Hearing, Filed**
04/19/2013 **Motion to Compel Answers to Interrogatories, Filed**
04/22/2013 **Motion to Consolidate, Filed**
04/24/2013 **Praecipe, Filed** (Judicial Officer: Borman, Susan D.)
04/24/2013 **Notice of Hearing, Filed**
04/26/2013 *CANCELED* **Motion Hearing** (9:00 AM) (Judicial Officer Borman, Susan D.)
Scheduling Error
04/12/2013 Reset by Court to 04/26/2013
04/29/2013 **Miscellaneous Motion, Filed**
04/30/2013 **Motion to Compel Action, Filed**
05/01/2013 **Praecipe, Filed** (Judicial Officer: Borman, Susan D.)
05/02/2013 **Status Conference** (9:30 AM) (Judicial Officer Borman, Susan D.)
04/15/2013 Reset by Court to 04/19/2013
04/19/2013 Reset by Court to 04/23/2013
04/23/2013 Reset by Court to 05/02/2013
Result: Held
05/02/2013 **Motion Hearing** (9:30 AM) (Judicial Officer Borman, Susan D.)
04/12/2013 Reset by Court to 04/26/2013
04/26/2013 Reset by Court to 05/03/2013
05/03/2013 Reset by Court to 05/02/2013
Result: Held
05/02/2013 **Motion Hearing** (9:30 AM) (Judicial Officer Borman, Susan D.)
05/10/2013 Reset by Court to 05/02/2013

	06/18/2013 Reset by Court to 06/21/2013
	Result: Held
05/02/2013	**Status Conference Scheduling Order, Signed and Filed** (Judicial Officer: Borman, Susan D.)
05/02/2013	**Motion Denied, Order to Follow** (Judicial Officer: Borman, Susan D.)
05/02/2013	**Motion to Compel Action Granted, Order to Follow** (Judicial Officer: Borman, Susan D.)
05/02/2013	**Motion to Withdraw as Attorney Granted, Order to Follow** (Judicial Officer: Borman, Susan D.)
05/02/2013	**Status Conference Scheduling Order, Signed and Filed**
05/02/2013	**Status Conference Scheduling Order, Signed and Filed** (Judicial Officer: Borman, Susan D.)
05/03/2013	*CANCELED* **Motion Hearing** (9:00 AM) (Judicial Officer Borman, Susan D.)
	Dismiss Hearing or Injunction
05/03/2013	**Appearance of Attorney, Filed**
05/03/2013	**Order for Miscellaneous Action, Signed and Filed**
05/06/2013	**Settlement Conference Scheduled**
05/06/2013	**Notice of Hearing, Filed**
05/10/2013	**Notice of Hearing, Filed**
06/06/2013	**Answer to Motion, Filed**
06/10/2013	**Notice of Hearing, Filed**
06/14/2013	**Motion to Vacate Order, Filed**
06/14/2013	**Motion to Compel Action, Filed**
06/17/2013	**Answer to Motion, Filed**
06/17/2013	**Answer to Motion, Filed**
06/18/2013	**Answer to Motion, Filed**
06/19/2013	**Answer to Motion, Filed**
06/19/2013	**Praecipe, Filed** (Judicial Officer: Borman, Susan D.)
06/19/2013	**Praecipe, Filed** (Judicial Officer: Borman, Susan D.)
06/19/2013	**Praecipe, Filed** (Judicial Officer: Borman, Susan D.)
06/19/2013	**Answer to Motion, Filed**
06/21/2013	**Motion Hearing** (9:00 AM) (Judicial Officer Borman, Susan D.)
	Result: Held
06/21/2013	**Motion Hearing** (9:00 AM) (Judicial Officer Borman, Susan D.)
	Result: Held
06/21/2013	**Motion Hearing** (9:00 AM) (Judicial Officer Borman, Susan D.)
	06/28/2013 Reset by Court to 06/21/2013
	Result: Held
06/21/2013	**Motion Hearing** (9:00 AM) (Judicial Officer Borman, Susan D.)
	06/28/2013 Reset by Court to 06/21/2013
	Result: Held
06/21/2013	**Order for Miscellaneous Action, Signed and Filed**
06/21/2013	**Motion to Compel Action Granted, Order to Follow** (Judicial Officer: Borman, Susan D.)
06/21/2013	**Motion to Compel Action Granted, Order to Follow** (Judicial Officer: Borman, Susan D.)
06/21/2013	**Motion for Discovery Granted, Order to Follow** (Judicial Officer: Borman, Susan D.)
06/21/2013	**Motion Denied, Order to Follow** (Judicial Officer: Borman, Susan D.)
06/21/2013	**Witness List, Filed**
06/24/2013	**Case Evaluation - General Civil**
06/24/2013	**Special Conference** (2:00 PM) (Judicial Officer Borman, Susan D.)
	Result: Held
06/24/2013	**Closed - Case Dismissed, Order to Follow** (Judicial Officer: Borman, Susan D.)
06/25/2013	**Notice of Presentment**
06/28/2013	**Motion Transcript Ordered**
07/02/2013	**Objection to 7-Day Order, Filed**
07/05/2013	**Notice of Hearing, Filed**
07/09/2013	**Notice of Hearing, Filed**
07/09/2013	**Transcript, Filed**
07/11/2013	**Witness List, Filed**
07/16/2013	**Answer to Objection, Filed**
07/19/2013	**Notice of Hearing, Filed**
07/22/2013	**Concurrence, Filed**
08/07/2013	**Proof of Service, Filed**
08/07/2013	**Reply to Answer, Filed**
08/07/2013	**Concurrence, Filed**
08/09/2013	**Motion Hearing** (9:00 AM) (Judicial Officer Borman, Susan D.)
	07/24/2013 Reset by Court to 08/09/2013
	Result: Held
08/09/2013	**Motion Denied, Order to Follow** (Judicial Officer: Borman, Susan D.)
08/09/2013	**Final - Order of Dismissal, Signed and Filed**
08/30/2013	**Transcript, Filed**
12/10/2013	*CANCELED* **Settlement Conference** (9:30 AM) (Judicial Officer Borman, Susan D.)
	Case Disposed/Order Previously Entered
01/17/2014	**Letter, Filed**

Special Conference

Exhibit E

FZ

Exhibit E

From: (248) 851-4111
James C. Wright
ZKACT, P.C.
31700 Middlebelt Road
Suite 150
Farmington Hills, MI 48334

Origin ID: DEOA

FedEx Express

J13111302120326

Ship Date: 21JUN13
ActWgt: 1.0 LB
CAD: 103129091/INET3370

Delivery Address Bar Code

Ref # 9470-00121
Invoice #
PO #
Dept #

SHIP TO: (734) 751-0103
Tamara Filas

6477 Edgewood

CANTON, MI 48187

BILL SENDER

MON - 24 JUN 3:00P
STANDARD OVERNIGHT

TRK# 0201 7960 6816 0170

66 NFBA

48187
MI-US
DTW

518G1/D77/93AB

Align bottom of Peel and Stick Airbill or Pouch here.

Align top of FedEx Express Shipping Label here.

Exhibit F

Exhibit F

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

TAMARA FILAS,

Plaintiff,

v.

Case No. 13-000652-NI
Honorable ~~Susan~~ D. Borman

KEVIN THOMAS CULPERT and
EFFICIENT DESIGN, INC.,
A Michigan Corporation,

Defendants.

TAMARA FILAS
In Pro Per
6477 Edgewood Road
Canton, MI 48187

JAMES C. WRIGHT (P67613)
Zausmer, Kaufman, August & Caldwell, P.C.
Attorneys for Defendant Efficient Design
31700 Middlebelt Road, Suite 150
Farmington Hills, MI 48334
(248) 851-4111//fax (248) 851-0100
jwright@zkac.com

AHMED M. HASSOUNA (P67995)
Law Offices of Mark E. Williams
Attorney for Defendant Culpert
340 E. Big Beaver, Suite 250
Troy, MI 48083
(248) 764-1127
Ahmed_M_Hassouna@Progressive.com

MICHAEL CHARLES O'MALLEY (P59108)
Vandeveer Garzia
Co-Counsel for Defendant Efficient Design
1450 W Long Lake Road, Suite 100
Troy, MI 48098
(248) 312-2940//fax (248) 267-1242
momalley@vgpclaw.com

DEFENDANT EFFICIENT DESIGN, INC.'S REQUEST FOR PRODUCTION OF DOCUMENTS TO PLAINTIFF

NOW COMES the Defendant, Efficient Design, Inc., by and through its attorneys, Zausmer, Kaufman, August & Caldwell, P.C., hereby requests production of documents from Plaintiff pursuant to MCR 2.310, to be delivered to our office within twenty-eight (28) days after service of this request.

The following documents are requested:

Exhibit G

HealthPort

[redacted] [redacted]

Accounting of Disclosures through 7/10/2012
{Patient ID: REDACTED } as of 7/10/2012 12:37:21 PM

Name	ROI#	Patient ID	Recipient	PHI	Reason	Date/By	Status
Filas, Tamara DOB REDACTED	573-350441		Tamara Filas	UMHS Form: Outpatient Package, 2/17/11 to 4/1/11	Patient Requests Record	4/1/2011 Martin, Donna	Printed 04/01/2011 Pgs: 15
Filas, Tamara DOB REDACTED	573-340146		Tamara Filas	Emergency Room Information, Labs, UMHS Form: Outpatient Package, 01/15/2010-02/16/2011	Continuation of Care - STAT	2/16/2011 Suma, Cobinaba	Printed 02/16/2011 Pgs: 129
Filas, Tamara DOB REDACTED	573-358183		Tamara Filas	Office Visit Notes, 03/28/2011 - 05/04/2011	Patient Requests Record	5/4/2011 Whitman, Chantal	Printed 05/04/2011 Pgs: 8

3 found

[redacted] [redacted]

SAINT JOSEPH MERCY HEALTH SYSTEM
A Member of Trinity Health

ST. JOSEPH MERCY ANN ARBOR
5301 East Huron River Drive
P.O. Box 995
Ann Arbor, MI 48106-0995
Phone: 734-712-3456
mercyhealth.org

July 11, 2012

Tamara Filas
6477 Edgewood
Canton, MI 48187

Dear Ms. Filas:

In response to your request for an Accounting of Disclosures, the only disclosures that were made, were to yourself and to your physician, Dr. Wardner. These disclosures were made on June 25 and consisted of the report of your evaluation that took place on June 20th. Attached are the related documents you signed in regards to this evaluation.

If you have any further questions, please feel free to contact me at 734-712-3533.

Sincerely,

Signature redacted

Jodie Swan, RHIT
Manager, Health Information Management
Saint Joseph Mercy Health System

6477 Edgewood
Canton, MI 48187
June 29, 2012

REC'D JUL 03 2012

Henry Ford West Bloomfield Hospital
Attn: Medical Records
6777 West Maple Road
West Bloomfield, MI 48322

RE: Accounting of Disclosures for Tamara Filas, DOB REDACTED

Dear Health Information Services Representative,

I am requesting a copy of the Accounting of Disclosures to determine to whom my medical records have been released to date. ✓ to ~~pt~~ patient - herself

I am also requesting a copy of the relevant authorization forms that I signed to release the records to the persons or entities listed in the Accounting of Disclosures. ✓ attached

The information can be faxed to 734-981-0449. Please leave a message at 734-751-0103 when it has been faxed. If there is a charge, please call me at 734-751-0103 so I can make a payment.

Yours truly,

Signature redacted

Tamara Filas

Jan 1, 2011 –
22 documents were requested and released to you –
This has been the ~~Ob~~ only release of your Records –
7-3-12 Rachel Prosyl, RHIT

Exhibit H

Gmail by Google

Deposition of Kevin Culpert

T Filas < e-mail redacted > Fri, Aug 2, 2013 at 11:56 AM
To: jwright@zkact.com, momalley@vgpclaw.com, Ahmed_M_Hassouna@progressive.com

Dear Mr. Wright, Mr. Hassouna, and Mr. O'Malley,

On June 21, 2013, Judge Borman indicated that she wanted Kevin Culpert deposed to determine whether or not he was in the scope of his employment when the accident occurred. Have you deposed Mr. Culpert? If yes, did the deposition reveal that Mr. Culpert was in the scope of his employment at the time of the accident?

Thank you for your prompt reply.

Yours truly,

Tamara Filas

Gmail by Google

Deposition of Kevin Culpert

Ahmed M Hassouna <Ahmed M Hassouna@progressive.com> Fri, Aug 2, 2013 at 12:02 PM
To: T Filas e-mail redacted "jwright@zkact.com" <jwright@zkact.com>, "momalley@vgpclaw.com" <momalley@vgpclaw.com>

Ms. Filas:

The Court dismissed your case. My client will not be deposed.

Ahmed M. Hassouna, Esq.

The Law Offices of Williams & Baranski

Salaried Employees of Progressive Casualty Insurance Company

340 East Big Beaver Road, Suite 250

Troy, MI 48083

Direct: (248) 764-1140

Cell: (586) 291-4260

Fax: (248) 457-0385

ahmed_m_hassouna@progressive.com

PLEASE NOTE OUR NEW ADDRESS AND PHONE NUMBERS ABOVE EFFECTIVE 8/20/12

From: T Filas [mailto: e-mail redacted
Sent: Friday, August 02, 2013 11:57 AM
To: jwright@zkact.com; momalley@vgpclaw.com; Ahmed M Hassouna

Exhibit I

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

TAMARA FILAS,

Plaintiff,

CASE NO. 13-000652-NI
HON. SUSAN D. BORMAN

-VS-

KEVIN THOMAS CULPERT, AND EFFICIENT DESIGN, INC., A MICHIGAN CORPORATION,

Defendant.

PROOF OF SERVICE

THE UNDERSIGNED CERTIFIES THAT A COPY OF THE FOREGOING INSTRUMENT WAS SERVED ON THE ATTORNEYS OF RECORD OF ALL PARTIES TO THE ABOVE CAUSE BY E-MAILING ON 4/19/13

THE STATEMENT ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

/s/ Shannon Campbell
Shannon Campbell

13-000652-NI
FILED IN MY OFFICE
WAYNE COUNTY CLERK
4/19/2013 3:35:21 PM
CATHY M. GARRETT

/

DARYLE SALISBURY (P19852)
Attorney for Plaintiff
42400 Grand River Avenue, Suite 106
Novi, MI 48375
248-348-6820
darylesalisbury@att.net

MICHAEL C. O'MALLEY (P59108)
Attorney for Defendant Efficient Design
1450 W. Long Lake Rd., Ste. 100
Troy, MI 48098
248-312-2940
momalley@vgpclaw.com

AHMED M. HASSOUNA (P67995)
Attorney for Defendant Culpert
340 E. Big Beaver, Suite 250
Troy, MI 48083
248-764-1127
Ahmed_M_Hassouna@Progressive.com

JAMES C. WRIGHT (P67613)
Attorney for Defendant Efficient Design
31700 Middlebelt Rd., Suite 150
Farmington Hills, MI 48334
(248) 851-4111 / 0100 (Fax)
jwright@zkact.com

/

NOTICE OF HEARING

PLEASE TAKE NOTICE that Defendant's Motion to Compel Answers to Interrogatories & Production of Documents will be brought on for hearing on May 3, 2013, at 9:00 a.m. before the Honorable Susan D. Borman, City of Detroit, State of Michigan or as soon thereafter as counsel may be heard.

Respectfully submitted,

LAW OFFICE OF WILLIAMS & BARANSKI

/s/ Ahmed M. Hassouna
By: _____
AHMED M. HASSOUNA (P67995)
Attorney for Defendant Culpert

DATE: April 19, 2013

Law Offices of Williams & Baranski
340 E. Big Beaver Road, Ste. 250
Troy, MI 48083
(248) 764-1127

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

TAMARA FILAS,

Plaintiff,

-vs-

KEVIN THOMAS CULPERT, AND EFFICIENT DESIGN, INC., A MICHIGAN CORPORATION,

Defendant.

CASE NO. 13-000652-NI
HON. SUSAN D. BORMAN

PROOF OF SERVICE

THE UNDERSIGNED CERTIFIES THAT A COPY OF THE FOREGOING INSTRUMENT WAS SERVED ON THE ATTORNEYS OF RECORD OF ALL PARTIES TO THE ABOVE CAUSE BY E-MAILING ON 4-19-13.

THE STATEMENT ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

/s/ Shannon Campbell
Shannon Campbell

/

DARYLE SALISBURY (P19852)
Attorney for Plaintiff
42400 Grand River Avenue, Suite 106
Novi, MI 48375
248-348-6820
darylesalisbury@att.net

MICHAEL C. O'MALLEY (P59108)
Attorney for Defendant Efficient Design
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momalley@vgpclaw.com

AHMED M. HASSOUNA (P67995)
Attorney for Defendant
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Troy, MI 48083
248-764-1127
Ahmed_M_Hassouna@Progressive.com

JAMES C. WRIGHT (P67613)
Attorney for Defendant Efficient Design
31700 Middlebelt Rd., Suite 150
Farmington Hills, MI 48334
(248) 851-4111 / 0100 (Fax)
jwright@zkact.com

/

Law Offices of Williams & Baranski
340 E. Big Beaver Road, Ste. 250
Troy, MI 48083
(248) 764-1127

DEFENDANTS' MOTION TO COMPEL ANSWERS TO INTERROGATORIES AND PRODUCTION OF DOCUMENTS

NOW COMES the Defendant, by and through his attorney, Ahmed M. Hassouna, and moves this Honorable Court to enter an Order compelling Plaintiff to make discovery and to respond to Interrogatories and Request for Production of Documents previously submitted in accordance with the Michigan Court Rules and which have not been answered to date. Defendant further states as follows:

1. On March 22, 2013, Defendant submitted Interrogatories, Request for Authorizations and Request for Production of Documents to Plaintiff by enclosing same in a properly addressed and stamped envelope to the attorney for the Plaintiff.

Law Offices of Williams & Baranski
340 E. Big Beaver Road, Ste. 250
Troy, MI 48083
(248) 764-1127

2. The Interrogatories and Requests were submitted pursuant to MCR 2.309 and the rules of this court.

3. Plaintiff(s) filed no timely objections or motion to extend time to answer. More than twenty-eight (28) days have elapsed since Interrogatories were served on Plaintiff attorney.

4. Michigan Court Rule 2.313(A) states that when a party refuses to answer Interrogatories, application for a Court order that requires the party answer may be filed and the Court shall require the party to answer.

5. The court rule further provides if the motion is granted, the court shall, after opportunity for hearing, require the party or deponent whose conduct necessitated the motion or the party or attorney advising such conduct, or both, to pay to the moving party the reasonable expenses incurred in obtaining the order, including attorneys" fees unless there was reasonable justification for the opposition to the motion.

6. MCR 2.313(B)(2)(C) states that if an Order to answer is not complied with, the Court may render a Judgment of Dismissal against the disobedient party.

WHEREFORE, the Defendant prays that this Honorable Court enter an Order compelling the Plaintiff to provide signed, notarized, and full and complete answers to Interrogatories and fully executed medical authorizations for all providers listed in plaintiff's answers to interrogatories within (7) days from the date of hearing of this motion. Defendant(s) further request costs of $500 against plaintiff attorney for failing to provide said answers timely.

Respectfully submitted,

LAW OFFICE OF WILLIAMS & BARANSKI

/s/ Ahmed M. Hassouna
By: _____
AHMED M. HASSOUNA (P67995)
Attorney for Defendant Culpert

DATE: April 19, 2013

BRIEF IN SUPPORT OF MOTION TO COMPEL ANSWERS TO INTERROGATORIES AND PRODUCTION OF DOCUMENTS

NOW COMES the Defendant by and through its attorney, who submits that it relies *on MCR 2.309 and 2.313 in support of its Motion to Compel Answers to Interrogatories* and Production of Documents.

WHEREFORE, the Defendant prays that this Honorable Court enter an Order compelling the Plaintiff to provide signed, notarized, and full and complete answers to Interrogatories and fully executed medical authorizations for all providers listed in plaintiff's answers to interrogatories within (7) days from the date of hearing of this motion. Defendant(s) further request costs of $500 against plaintiff attorney for failing to provide said answers timely.

Respectfully submitted,

LAW OFFICE OF WILLIAMS & BARANSKI

/s/ Ahmed M. Hassouna
By: _____
AHMED M. HASSOUNA (P67995)
Attorney for Defendant Culpert

DATE: April 19, 2013

Law Offices of Williams & Baranski
340 E. Big Beaver Road, Ste. 250
Troy, MI 48083
(248) 764-1127

Exhibit J

Mandatory Creation of or Use of SCAO-Approved Forms

The following lists identify court forms that are required by court rule or statute to be: 1) approved by the SCAO; 2) used as approved by the SCAO; or 3) used in a form substantially in the form approved by the SCAO.

FORMS SCAO HAS BEEN MANDATED TO CREATE AND APPROVE - USE NOT MANDATORY

Although these forms are SCAO-Approved, their use is not specifically mandated by court rule or statute. Forms are denoted with an asterisk (*) when court rule or statute requires the use of a form substantially in the form of the SCAO-Approved form. In this particular chart, MC forms are for use in circuit, district, and probate courts; DC forms are for use in district courts, FOC forms are for use in friend of the court offices and circuit courts, and PC forms are for use in family divisions of circuit court.

MC 12*, Request and Writ for Garnishment (Periodic), MCR 3.101(C)

MC 13*, Request and Writ for Garnishment (Nonperiodic), MCR 3.101(C)

MC 14*, Garnishee Disclosure, MCR 3.101(C)

MC 15, Motion for Installment Payments, MCR 3.101(C)

MC 15a, Order Regarding Installment Payments, MCR 3.101(C)

MC 16, Motion to Set Aside Order for Installment Payments, MCR 3.101(C)

MC 16a, Order on Motion to Set Aside Order for Installment Payments, MCR 3.101(C)

MC 48, Final Statement on Garnishment of Periodic Payments, MCR 3.101(C)

MC 49, Objections to Garnishment and Notice of Hearing, MCR 3.101(C)

MC 50, Garnishment Release, MCR 3.101(C)

MC 51, Order on Objections to Garnishment, MCR 3.101(C)

MC 52*, Request and Writ for Garnishment (Income Tax Refund/Credit), MCR 3.101(C)

MC 203*, Writ of Habeas Corpus, MCR 3.303(H) and MCR 3.304(D)

MC 258*, Report of Nonpayment of Restitution, MCL 712A.30(18), MCL 780.766(18), MCL 780.794(18), and MCL 780.826(15)

MC 288*, Order to Remit Prisoner Funds for Fines, Costs, and Assessments, MCL 769.11

MC 292*, Disclosure of Employment or Contract in Michigan Public System, MCL 380.1230d(2)

DC 84*, Affidavit and Claim, Small Claims, MCR 4.302(A), MCL 600.8401a, and MCL 600.8402

FOC 50, Motion Regarding Support, MCL 552.505(1)(d) and MCL 552.519(3)(a)(v)

FOC 51, Response to Motion Regarding Support, MCL 552.505(1)(d) and MCL 552.519(3)(a)(v)

FOC 65, Motion Regarding Parenting Time, MCL 552.505(1)(d) and MCL 552.519(3)(a)(v)

FOC 66, Response to Motion Regarding Parenting Time, MCL 552.505(1)(d) and MCL 552.519(3)(a)(v)

FOC 67, Order Regarding Parenting Time, MCL 552.505(1)(d) and MCL 552.519(3)(a)(v)

FOC 87, Motion Regarding Custody, MCL 552.505(1)(d) and MCL 552.519(3)(a)(v)

FOC 88, Response to Motion Regarding Custody, MCL 552.505(1)(d) and MCL 552.519(3)(a)(v)

FOC 89, Order Regarding Custody and Parenting Time, MCL 552.505(1)(d) and MCL 552.519(3)(a)(v)

FORMS SCAO HAS BEEN MANDATED TO CREATE AND APPROVE - USE NOT MANDATORY (continued)

PC 117*, *Notice to Minor of Rights Regarding Waiver of Parental Consent for an Abortion*, MCR 3.615(C), (D)

PC 118*, Request and Order for Court Appointed Attorney /Guardian Ad Litem for Waiver of Parental Consent, MCR 3.615(C), (D)

PC 119*, Petition for Waiver of Parental Consent for an Abortion, MCR 3.615(C), (D)

PC 121*, Appeal of Order Denying Petition for Waiver of Parental Consent, *MCR 3.165(K)*

PC 122*, Confidential Information for Proceedings Concerning Waiver of Parental Consent, MCR 3.615(C), (D)

FORMS SCAO HAS CREATED AND APPROVED - USE MANDATORY

The use of these SCAO-Approved forms, without modification, is mandated by court rule or statute. In this particular chart, MC and UC forms are for use in circuit, district, and probate courts; DC forms are for use in district courts, CC forms are for use in circuit courts, and FOC forms are for use in friend of the court offices and circuit courts.

All estate, trust, guardianship, conservatorship, and mental commitment forms, MCL 600.855 ansd MCL 700.3983

DCI-84, Collecting Money from a Small Claims Judgment, MCL 600.8409(2)

UC 01a and UC 01b, Uniform Law Citation, MCL 257.727c, MCL 600.8705, MCL 600.8805, and MCL 764.9f

MC 11, Subpoena (Order to Appear), MCR 2.506(D)(1)

MC 240, Order for Custody, MCR 6.106(B)(4)

* MC 315, Authorization for Release of Medical Information, MCR 2.314(C)(1)(d) and MCR 2.314(D)(2)(b)

CC 375, Petition for Personal Protection Order (Domestic Relationship), MCL 600.2950b(1)

CC 375M, Petition for Personal Protection Order Against Minor (Domestic Relationship), MCL 600.2950b(1)

CC 376, Personal Protection Order (Domestic Relationship), MCL 600.2950b(2)

CC 376M, Personal Protection Order Against Minor (Domestic Relationship), MCL 600.2950b(2)

CC 377, Petition for Personal Protection Order Against Stalking, MCL 600.2950b(1)

CC 377M, Petition for Personal Protection Order Against Stalking by a Minor, MCL 600.2950b(1)

CC 379, Motion to Modify, Extend, or Terminate Personal Protection Order, MCL 600.2950b(3)

CC 380, Personal Protection Order Against Stalking, MCL 600.2950b(2)

CC 380M, Personal Protection Order Against Stalking by a Minor, MCL 600.2950b(2)

CC 381, Notice of Hearing on Petition for Personal Protection Order, MCL 600.2950b(1)

CC 391, Advice of Rights (Circuit Court Plea), MCR 6.302(B)

FOC 10/52, Uniform Child Support Order, MCR 3.211(D)

FOC 10a/52a, Uniform Child Support Order (No Friend of Court Services), MCR 3.211(D)

FOC 10b, Uniform Spousal Support Order, MCR 3.211(D)

FOC 10c, Uniform Spousal Support Order (No Friend of Court Services), MCR 3.211(D)

FOC 101, Advice of Rights Regarding Use of Friend of the Court Services, MCL 552.505a(8)

Exhibit K

Approved, SCAO

Original - Records custodian
1st copy - Requesting party
2nd copy - Patient

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY PROBATE	AUTHORIZATION FOR RELEASE OF MEDICAL INFORMATION	CASE NO.

Court address **Court telephone no.**

Plaintiff	v	Defendant

☐ Probate In the matter of _____

1. _____ _____
Patient's name Date of birth

2. I authorize _____
Name and address of doctor, hospital, or other custodian of medical information

to release _____
Description of medical information to be released (include dates where appropriate)

to _____
Name and address of party to whom the information is to be given

3. I understand that unless I expressly direct otherwise:

a) the custodian will make the medical information reasonably available for inspection and copying, or
b) the custodian will deliver to the requesting party the original information or a true and exact copy of the original information accompanied by the certificate on the reverse side of this authorization.

I understand that medical information may include records, if any, on alcohol and drug abuse, psychology, social work, and information about HIV, AIDS, ARC, and any other communicable disease.

4. This authorization is valid for 60 days and is signed to make medical information regarding me available to the other party(ies) to the lawsuit listed above for their use in any stage of the lawsuit. The medical information covered by this release is relevant because my mental or physical condition is in controversy in the lawsuit.

5. I understand that by signing this authorization there is potential for protected health information to be redisclosed by the recipient.

6. I understand that I may revoke this authorization, except to the extent action has already been taken in reliance upon this authorization, at any time by sending a written revocation to the doctor, hospital, or other custodian of medical information.

_____
Date

_____ _____
Signature Address

_____ _____
Name (type or print) (If signing as Personal Representative, please state *under what authority you are acting*) City, state, zip Telephone no.

45 CFR 164.508, MCL 333.5131(5)(d), MCL 333.26265, MCR 2.506(I)(1)(b), MCR 2.314

CERTIFICATE

1. I am the custodian of medical information for _____ (Organization).
2. I received the attached authorization for release of medical information on _____ (Date).
3. I have examined the original medical information regarding this patient and have attached a true and complete copy of the information that was described in the authorization.
4. This certificate is made in accordance with Michigan Court Rule.

I declare that the statements above are true to the best of my information, knowledge, and belief.

_____
Date

_____
Signature

_____
Name (type or print)

_____
Address

_____
City, state, zip Telephone no.

Exhibit L

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

TAMARA FILAS,

Plaintiff,

CASE NO. 13-000652-NI
HON. SUSAN D. BORMAN

-vs-

KEVIN THOMAS CULPERT, AND EFFICIENT DESIGN, INC., A MICHIGAN CORPORATION,

Defendant.

13-000652-NI
FILED IN MY OFFICE
WAYNE COUNTY CLERK
7/22/2013 11:03:08 AM
CATHY M. GARRETT

/

TAMARA FILAS
In Pro Per
6477 Edgewood Road
Canton, MI 48187

MICHAEL C. O'MALLEY (P59108)
Co-Counsel for Defendant Efficient Design
1450 W. Long Lake Rd., Ste. 100
Troy, MI 48098
248-312-2940

AHMED M. HASSOUNA (P67995)
Attorney for DefendantCulpert
340 E. Big Beaver, Suite 250
Troy, MI 48083
248-764-1127
Ahmed_M_Hassouna@Progressive.com

JAMES C. WRIGHT (P67613)
Attorney for Defendant Efficient Design
31700 Middlebelt Road, Ste. 150
Farmington Hills, MI 48334
(248) 851-4111 / 0100 (Fax)
jwright@zkac.com

/

Law Offices of Williams & Baranski
340 E. Big Beaver Road, Ste. 250
Troy, MI 48083
(248) 764-1127

CONCURRENCE IN DEFENDANT EFFICIENT DESIGN, INC.'S RESPONSE TO PLAINTIFF'S OBJECTION TO DEFENDANT EFFICIENT DESIGN, INC.'S PROPOSED ORDER OF DSMISSAL WITHOUT PREJUDICE

NOW COMES the Defendant, KEVIN THOMAS CULPERT, by and through his attorneys, LAW OFFICES OF WILLIAMS & BARANSKI, by AHMED M. HASSOUNA, who concurs with Defendant EFFICIENT DESIGN, INC.'S RESPONSE to Plaintiff's Objection to

its Proposed Order of Dismissal Without Prejudice filed with this Honorable Court in this matter.

Respectfully submitted,

LAW OFFICES OF WILLIAMS & BARANSKI

/s/ Ahmed M. Hassouna
BY:_____
AHMED M. HASSOUNA (P67995)
Attorney for Defendant

Dated: July 22, 2013

Law Offices of Williams & Baranski
340 E. Big Beaver Road, Ste. 250
Troy, MI 48083
(248) 764-1127

Exhibit M

Gmail

FW: Filas: 3RD PARTY RELEASE.7-19-2012

Terry Cochran <TCochran@cochranfoley.com> Thu, Jul 19, 2012 at 9:30 AM
To: Tamara Filas's e-mail redacted

Dear Ms Filas,

Please find attached Def Culpert's release consistent with his offer to settle. After I received the release, I called Attorney Hassouna and asked if he had spoken to his Clt about the other two conditions outlined in my prior e-mail. Attorney Hassouna indicated that he had draft answers to our interrogatories and that Mr. Culpert was on his way to work but was not in the scope and course of his employment at the time of the accident. In addition, he is checking to make sure that Mr. Culpert is the sole owner of the vehicle.

Thank you,

Terry L. Cochran
Cochran, Foley & Associates, P.C.
15510 Farmington Road
Livonia, Michigan 48154
(734) 425-2400
tcochran@cochranfoley.com

From: Ahmed M Hassouna [mailto:Ahmed_M_Hassouna@Progressive.com]
Sent: Thursday, July 19, 2012 9:18 AM
To: Terry Cochran
Subject: Filas: 3RD PARTY RELEASE.7-19-2012

Terry:

Please see attached. Please advise as to whether your client will execute the attached Release in order to fully resolve this matter. Thanks.

Best,

-A

Ahmed M. Hassouna, Esq.

Law Offices of Mark E. Williams

Salaried Employees of Progressive Casualty Insurance Company

RELEASE

For the Sole Consideration of TWENTY THOUSAND AND 00100 ($20,000.00) DOLLARS, the receipt and sufficiency whereof is hereby acknowledged, the undersigned hereby releases and forever discharges KEVIN THOMAS CULPERT, his heirs, executors, administrators, agents and assigns claimed liable or who might be claimed to be liable, none of whom admit any liability to the undersigned but all expressly deny any liability, from any and all claims, demands, damages, actions, causes of action or suits of any kind or nature whatsoever, and particularly on account of all injuries, known and unknown, both to person and property, which have resulted or may in the future develop from an accident which occurred on or about February 19, 2010 in the City of Romulus, County of Wayne, State of Michigan.

Nothing in this release shall be construed as having any effect on any claims that undersigned releasor may have for first-party no fault benefits under the Michigan No Fault Act, MCL § 500.3101, *et seq*.

THE UNDERSIGNED HEREBY DECLARES AND REPRESENTS that the injuries sustained are or may be permanent or progressive; and that recovery is or may be uncertain or indefinite. In making this Release it is understood and agreed that the undersigned relies wholly upon his own judgment, belief and knowledge of the nature, extent, effects and duration of said injuries and liability. This release is made without reliance upon any statement or representation of the party or parties hereby released, their representatives or by any physician/surgeon that examined undersigned on their behalf.

Undersigned hereby declares that the terms of this settlement have been completely read and are fully understood and voluntarily accepted for the purpose of making a full and final compromise adjustment and settlement of any and all

claims, disputed or otherwise, on account of the injuries and damages above mentioned, and for the express purpose of precluding forever any further or additional claims arising out of the aforesaid accident.

Undersigned hereby accepts draft or drafts as final payment of the consideration set forth above.

I have hereunto set my hand and seal this _____ day of _____, 201_.

X_____
TAMARA FILAS, Plaintiff

Subscribed and sworn to before me
this ____ day of _____, 201_.

_____
NOTARY PUBLIC
_____ County, Michigan
My Commission Expires:_____

IN THE PRESENCE OF TERRY L. COCHRAN, Attorney for the signing party to this Release, who has fully explained the terms of this agreement and acknowledges understanding by the signing party as to the finality of the settlement and the terms thereof against KEVIN THOMAS CULPERT.

_____
TERRY L. COCHRAN (P35890)
Attorney for Plaintiff

Exhibit N

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

Tamara Filas v Meemic Ins | No. 11-014149-NF | Filing Date: 11/15/2011
Case type: 1st & 3rd

SCHEDULING ORDER

At a session of the Court held in the CAYMC, Detroit, MI on February 14, 2012
Present: HONORABLE SUSAN D. BORMAN
CIRCUIT COURT JUDGE

IT IS HEREBY ORDERED:

A. **WITNESS LISTS** shall be exchanged and filed with this Court by: **4/17/12**
See MCR 2.401(1)(2). ANY WITNESS NOT LISTED IN ACCORDANCE WITH THIS RULE WILL BE PROHIBITED FROM TESTIFYING AT TRIAL EXCEPT WHERE GOOD CAUSE IS SHOWN.

B. **DISCOVERY CUT-OFF.** Discovery shall be completed by: **6/17/12**
DISCOVERY MOTIONS (hearings at 10:30). Must be heard two weeks before the end of discovery. **THE JUDGE WILL NOT ENTERTAIN DISCOVERY MOTIONS AFTER THE CLOSE OF DISCOVERY.** Attorneys for all parties must be present in Court to modify this scheduling order which must be done by motion (**hearings at 11:00**).

C. **SECOND STATUS CONFERENCE:**

D. **CASE EVALUATION: week of 7/9/12** **SPECIAL PANEL:**
NO-FAULT CASE EVALUATION AWARDS INCLUDE ALL BENEFITS INCURRED, INCLUDING ATTORNEY FEES AND INTEREST, TO THE DATE OF THE CASE EVALUATION UNLESS STIPULATED BY THE PARTIES IN WRITING.

E. **SETTLEMENT CONFERENCES. ALL LEAD TRIAL COUNSEL (COUNSEL WITH THE LOWEST P NUMBER) AND PARTIES MUST BE PRESENT.** All persons necessary and with authority to settle this matter up to the Plaintiff's good faith demand or case evaluation amount, whichever is higher, including lien holders, must be present. **PLEASE BE PREPARED TO BE PRESENT ALL DAY IF NECESSARY.**
1st Settlement Conference Date: 8/14/12 at 9:30 a.m.
2nd Settlement Conference Date: 8/20/12 at 2 pm. NOTE: Medicare lien? (If yes, Plaintiff must IMMEDIATELY begin the process to determine the amount of lien.) Jury Trial?___. Trial will follow on the Monday after the 2nd Settlement conference unless otherwise determined by the Court. Trial adjournment will be by motion only and for good cause shown. This serves as your Notice of Trial pursuant to MCR 2.501(C).

F. **DISPOSITIVE MOTIONS MUST BE HEARD BY THE FRIDAY BEFORE THE FIRST SETTLEMENT CONFERENCE DATE.**

G. **BRIEFS:** A maximum of 15 pages. **REPLY BRIEFS**: Maximum of 5 pages. 12 Point font double spaced. **Non-conforming briefs will be rejected.** Include complete case citations with page numbers. Please provide copies of all State and Federal cases cited, as well as statutes, which support the merits. All exhibits must be tabbed.

H. **FINAL PRETRIAL ORDER** is due at the 2nd Settlement Conference.

I. **EXTENSION OF DATES** will be granted by Motion only (NOT BY STIPULATION). ATTORNEYS for all parties MUST BE PRESENT in Court to modify this scheduling order.
Counsel hereby acknowledge receipt of these rules and schedule controlling the proceedings:

Susan D. Borman: _____
Attorney(s) for Plaintiff Attorney(s) for Defendant

Signature: _____ _____
Terry Cochran Chris Lawicki for Simeon Orlowski/Ahmed Hassouna

Exhibit O

HIPAA Privacy Authorization
For Disclosure of Protected Health Information
Relevant to Litigation, Pending Claims or Intent to Sue

Patient's Name: **Tamara Filas**
Address: **6477 Edgewood, Canton, MI 48187**
Date of Birth: redacted
Social Security No.: **XXX-XX-** redacted

1. I make this authorization for the purpose of copying records in connection with a lawsuit or claim to which I am a party.

2. This authorization is directed to and applies to protected health information maintained by:

Dr. Jon Wardner/Associates in Physical Medicine and Rehabilitation

(Hospital, Physician, Medical provider, etc.

3. I hereby authorize the above, its director, administrative and clinical staff or assignees, medical information services and billing department to release any and all medical records and information from my date of birth to the present unless specified otherwise, relating to my care and treatment, including x-rays, photographs, electronic and digital files and any other records, unless I expressly direct or specify otherwise. I understand that medical information may include records, if any, relating to treatment for alcohol and drug abuse protected under the regulations in 42 C.F.R. Part 2: psychiatric/psychological services and social work records and any information regarding communicable diseases and infections, defined by Michigan Department of Public Health rule, which can include tuberculosis, venereal diseases, sexually transmitted diseases, acquire immunodeficiency syndrome (AIDS), human immunodeficiency virus (HIV) or ARC.

4. This information is to be released for copying purposes to James C. Wright of ZAUSMER, KAUFMAN, AUGUST & CALDWELL, P.C.

5. I understand that information used or disclosed pursuant to this authorization may be disclosed by the recipient and may no longer be protected by the Federal Privacy Rules.

6. This authorization shall be in force and in effect until the conclusion of the pending litigation or claim unless otherwise specified.

7. I understand that I have the right to revoke this authorization at any time. I understand that if I revoke this authorization, I must do so in writing and send it to the hospital, doctor, or other custodian of medical information. I understand that the revocation will not apply to information that has already been released in response to this authorization.

8. I understand that authorizing the release of this health information is voluntary and that I need not sign this form in order to ensure health care treatment, eligibility for benefits, payment or health plan enrollment.

9. A copy of this authorization is as valid as the original.

All Pertinent Sections Of This Form Must Be Completed Before Signing

Subscribed and sworn to before me
this _____ day of _____, 2013

_____
Notary Public
_____ County, Michigan
My Commission Expires: _____

X_____
Signature of Patient or Legal Representative

_____
Print Name of Patient or Legal Representative

_____
Description of Legal Representative's Authority
or Relationship

Exhibit P

Detroit, Michigan

Friday, August 9, 2013

Morning session - 11:03 a.m.

- - -

THE CLERK: Filas.

THE COURT: Okay, this is your motion?

MR. WRIGHT: Yes, for authorizations to be signed.

THE COURT: Okay, Ms. Filas, if you want to proceed with your case, you'll have to sign these authorizations. They have them with them today. If you want to proceed and you want the Court to reinstate the case, sit down and sign the authorizations. I'm going to give you one last chance.

MS. FILAS: I have a problem with some of the clauses.

THE COURT: All right, I've already ruled on that. I'm not going to go back to that. You've changed them. You got it changed to different forms. They've got the authorizations today. Last chance. Sit down and sign the authorizations. I'll reinstate your case, otherwise I'm dismissing this case.

MS. FILAS: I have some problems with some of the clauses they're asking for in the forms.

THE COURT: I'm sorry. We've already done this. I'm not reconsidering it, so sit down today and sign the authorizations.

MS. FILAS: Not for some of the things that they're asking.

THE COURT: The dismissal stands.

Call the next case.

(Proceeding concluded - 11:05 a.m.)

Exhibit Q

STATE OF MICHIGAN THIRD JUDICIAL CIRCUIT WAYNE COUNTY	ORDER REASSIGNING CASE (CIVIL DIVISION)	CASE NO. 12-016693-NF

Court address: 2 Woodward Avenue, Detroit, MI 48226 Courtroom Court telephone no. 313-224-0142

FILAS, TAMARA v MEEMIC INSURANCE COMPANY

TAMARA FILAS ,
Plaintiff,

vs.

MEEMIC INSURANCE COMPANY ,
Defendants.

IT IS HEREBY ORDERED that this case be and the same is hereby reassigned 12-016693-NF

FILED IN MY OFFICE
WAYNE COUNTY CLERK
3/19/2013 2:13:36 PM
CATHY M. GARRETT
/s/ Angela Strong-Cooper

to **Judge** Susan D. Borman

from **Judge** John A. Murphy

REASON: PRIOR 11-014149NF

Date: 3/19/2013

/s/ Jeanne Stempien
Presiding Judge, Third Circuit Court
Civil Division

Copy to: JUDGE MURPHY

Copy to: JUDGE BORMAN

Copy to: ATTY; DARYLE SALISBURY, ATTY; SIMEON ORLOWSKI

Copy to: ATTY; TAMARA FILAS

Copy to: Docket Management

For failure to comply with MCR 2.113(C)(2)(b) regarding disclosure of prior actions, costs are assessed in the amount of $100.00 against , Attorney for Plaintiff, payable to the "Wayne County Clerk" within 10 days from the date of this order of reassignment. Payment to be made to the Wayne County Clerk-Civil Division.

Date

Third Circuit Court Judge

Exhibit R

Gmail by Google

Lawsuit Discovery Issues

Daryle Salisbury <darylesalisbury@att.net> Thu, Feb 21, 2013 at 12:06 AM
To: Tamara Filas < e-mail redacted

Hello Tamara,

I am glad we had a chance to talk today. The PDF attachments should also help.

Call me right away.

Daryle

3 attachments

- **02-20-13 filas client letter.pdf**
  118K
- **02-20-13 filas efficient design discovery requests.pdf**
  881K
- **02-20-13 filas culpert witness and exhibit list.pdf**
  313K

Gmail

Culpert interrogatories and Production Request and deposition notice

Daryle Salisbury <darylesalisbury@att.net> Fri, Mar 8, 2013 at 7:36 PM
To: Tamara Filas < e-mail redacted

Hello Tamara,

My guess is that trying to keep track of and on top of the various discovery requests when you are not
feeling well presents a whole other challenge. You should not be putting yourself through this, but, of
course, that is your choice.

Do not get behind on any of the discovery requests, including all the discovery requests from Efficient Design.
Any lapse will be used against you.

I am actually quite concerned about what will happen with you, but again, that is your choice.

Daryle

2 attachments

03-08-13 filas culpert interrogatories and production request.pdf
643K

03-08-13 filas culpert deposition notice.pdf
72K

Exhibit S

6477 Edgewood
Canton, MI 48187
March 8, 2013

Mr. Daryle Salisbury
42400 Grand River Ave., Ste. 106
Novi, MI 48375

SENT VIA CERTIFIED MAIL AND
CERTIFICATE OF MAILING

Dear Mr. Salisbury,

Please be advised you are dismissed as my attorney. I am terminating the professional relationship and you should immediately cease working on any and all matters related to my first-party no-fault and personal injury cases (12-016693-NF and 13-000652-NI).

I am requesting the return of the two binders I loaned you (MEEMIC records and medical records), and a complete copy of both case files, including any correspondence between you and the three defense attorneys. I would like to pick up these materials in person. I will be contacting you to set up a date to do so.

Please send me an itemized bill listing all pending fees and expenses.

Thank you for your services.

Yours truly,

Signature redacted

Tamara Filas

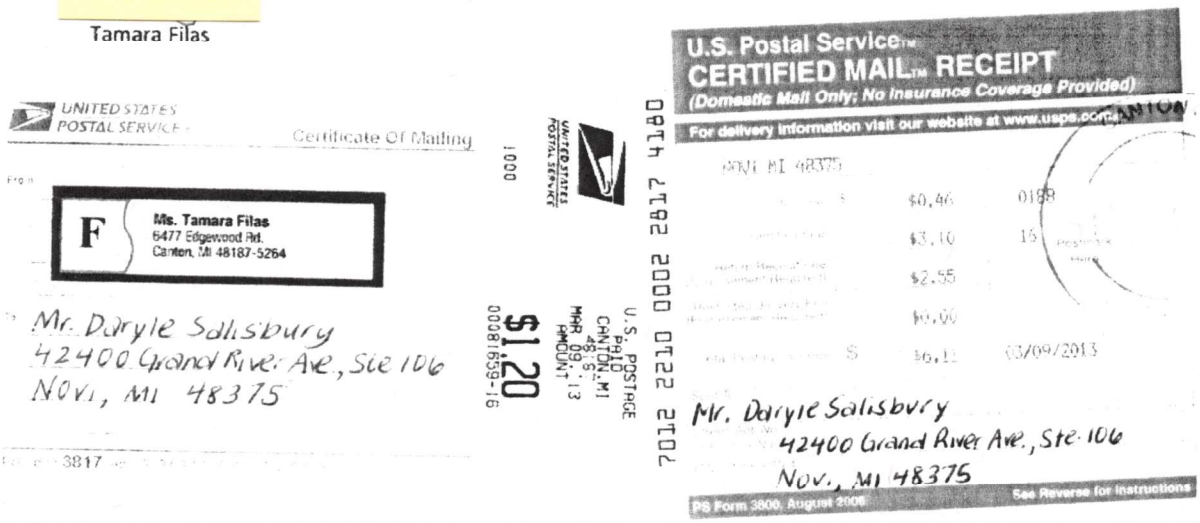

Exhibit T

Gmail

request for time extensions in Case #13-000652-NI

T Filas < e-mail redacted Tue, Mar 19, 2013 at 1:29 AM
To: Ahmed_M_Hassouna@progressive.com

Dear Mr. Hassouna,

I am writing in regard to the interrogatories you sent to Daryle Salisbury in regard to Case #13-000652-NI. I have dismissed Mr. Salisbury as my attorney. I am currently without counsel.

I was not aware of the interrogatories until March 16, 2013, when I was going through numerous e-mails from Mr. Salisbury. I thought that the attachments Mr. Salisbury mailed me on March 8, 2013, were the interrogatories he sent previously from the attorney representing Efficient Design, but I realized on the 14th that they were from you. I see they are dated February 20, 2013.

Would you be willing to extend the due date on the interrogatories until a few weeks after I am able to retain a new attorney?

Also, I just received my case file from Mr. Salisbury on March 14, 2013, and have not had a chance to review it yet. Mr. Salisbury did not provide me with a copy of the scheduling order, so I have no idea what other due dates may be approaching regarding my case. Would you be in agreement with extending scheduling order dates, preferably for 90 days, to provide me ample time to find another attorney?

Please advise me of your position. I have also contacted Mr. O'Malley with the same request.

Respectfully yours,

Tamara Filas

Gmail

request for time extensions in Case #13-000652-NI

T Filas < e-mail redacted Tue, Mar 19, 2013 at 1:36 AM
To: momalley@vgpclaw.com

Dear Mr. O'Malley,

I am the plaintiff, Tamara Filas, on case #13-000652-NI in the third district court. I am writing in regard to the interrogatories you sent to Daryle Salisbury. I have dismissed Mr. Salisbury as my attorney. I am currently without counsel.

I see the interrogatories are dated February 7, 2013. I was not aware of them until they were e-mailed to me by Mr. Salisbury on February 21, 2013. At that time, Mr. Salisbury and I were involved in extensive discussions about matters concerning the no-fault auto case.

Would you be willing to extend the due date on the interrogatories until a few weeks after I am able to retain a new attorney?

Also, I just received my case file from Mr. Salisbury on March 14, 2013, and have not had a chance to review it yet. Mr. Salisbury did not provide me with a copy of the scheduling order, so I have no idea what other due dates may be approaching regarding my case. Would you be in agreement with extending scheduling order dates, preferably for 90 days, to provide me ample time to find another attorney?

Please advise me of your position. I have also contacted Mr. Hassouna with the same request.

Respectfully yours,

Tamara Filas

VANDEVEER GARZIA
PROFESSIONAL CORPORATION

ATTORNEYS AND COUNSELORS AT LAW
1450 W. LONG LAKE ROAD, SUITE 100
TROY, MICHIGAN 48098-6330

TELEPHONE (248) 312-2800
FAX (248) 267-1242
EMAIL: momalley@VGpcLAW.com

Michael C. O'Malley
Direct: (248) 312-2940

March 20, 2013

Daryle Salisbury
42400 Grand River Avenue, Suite 106
Novi, MI 48275

James C. Wright
31700 Middlebelt Road, Suite 150
Farmington Hills, MI 48334

Tamara Filas
6477 Edgewood Road
Canton, MI 48187

Ahmed Hassouna
340 E. Big Beaver Road, Suite 250
Troy, MI 48083

RE: Tamara Filas v Kevin Culpert and Efficient Design
Our File: H152 20054

Dear Ms. Filas:

I am in receipt of your email correspondence from March 19, 2013. At this time, I must advise you that it is inappropriate for me to make contact with you directly regarding this case. While I understand that you have dismissed your attorney, the dismissal of Mr. Salisbury is not complete until an order has been entered by the court.

I have been advised by Mr. Salisbury that he has provided you with a stipulation for entry of such an order. Please have that order entered with the court forthwith, at which time we can discuss the further handling of this matter. Until such time as that is completed, however, I would ask that you not contact me without copying Mr. Salisbury or your attorney of record.

Any questions in this regard should be directed to Mr. Salisbury until such time as the order allowing him to withdraw as your attorney is entered by the court.

Very truly yours,

Michael C. O'Malley

MCO/knc

Enclosure

Gmail

request for time extensions in Case #13-000652-NI

Ahmed M Hassouna <Ahmed_M_Hassouna@progressive.com> Tue, Mar 19, 2013 at 9:46 AM
To: T Filas <e-mail redacted
Cc: "darylesalisbury@att.net" <darylesalisbury@att.net>, "jwright@zkact.com" <jwright@zkact.com>, "momalley@VGpcLAW.com" <momalley@vgpclaw.com>, "Simeon Orlowski (Sorlowski@garanlucow.com)" <Sorlowski@garanlucow.com>

Ms. Filas:

I once must again decline to communicate with you directly as the Michigan Rules of Professional Conduct prohibit me from doing so as you remain represented by Mr. Salisbury. I must direct your inquiries to his attention.

Thank you.

Ahmed M. Hassouna, Esq.

The Law Offices of Williams & Baranski

Salaried Employees of Progressive Casualty Insurance Company

340 East Big Beaver Road, Suite 250

Troy, MI 48083

Direct: (248) 764-1140

Cell: (586) 291-4260

Fax: (248) 457-0385

ahmed_m_hassouna@progressive.com

PLEASE NOTE OUR NEW ADDRESS AND PHONE NUMBERS ABOVE EFFECTIVE 8/20/12

Exhibit U

Zausmer, Kaufman, August & Caldwell, P.C.

ATTORNEYS & COUNSELORS

31700 Middlebelt Road
Suite 150
Farmington Hills, MI 48334-2374
(248) 851-4111 Fax (248) 851-0100
www.zkac.com

Mark J. Zausmer
Richard C. Kaufman
Gary K. August
Michael L. Caldwell
Michael C. Lewis
Heidi D. Hudson
Mischa M. Boardman[1]
Nicole M. Wright
Matthew M. McNaughton
Cameron R. Getto
Cinnamon A. Rice

[1]Also Admitted in IL
[2]Also Admitted in OH

Lansing Office:
721 N. Capitol, Suite 2
Lansing, MI 48906-5163
(517) 374-2735 Phone
(517) 487-0372 Fax

Amy Sitner Applin
Elizabeth R. Arnone
Jason W. Baas
Emily M. Ballenberger
Michael D. Crow
John C. Cusmano
Lynne S. DeBell
Nathan J. Fink
Ian L. Gross
Andrea M. Johnson
Crystal S. Kakos
Robert P. McArdle
Daniel J. McCarthy
Marc D. McDonald
April E. Moore
Jeremy M. Mullett
Bryan R. Padgett
Heather R. Pillot
Richard J. Rozycki
Michael A. Schwartz
Devin R. Sullivan[1]
Lauren M. Wawrzyniak
James C. Wright[2]
Kyle T. Zwiren

April 15, 2013

Via Certified Return Receipt/First Class Mail

Tamara Filas
6477 Edgewood Road
Canton, MI 48187

Re: Filias v. Kevin Thomas and Efficient Design, Inc.
Case No.: 13-000652-NI
Our File No.: 9470-00121

Dear Ms. Filas:

Please be advised that your deposition, scheduled for Thursday, April 18, 2013, has been adjourned. Once the Substitution of Attorney Order has been entered, we will contact you to reschedule your deposition.

Very truly yours,

Zausmer, Kaufman, August & Caldwell, P.C.

James C. Wright

JCW/smb
cc: Daryle Salisbury, Esquire
Ahmed M. Hassouna, Esquire

Exhibit V

STATE OF MICHIGAN

WAYNE COUNTY CIRCUIT COURT

TAMARA FILAS,

Plaintiff,

vs.

KEVIN THOMAS CULPERT, and,
EFFICIENT DESIGN, INC.,
A Michigan Corporation,

Defendants.

/

Case No: 13-000652-NI

Hon. Susan D. Borman

DARYLE SALISBURY P 19852
Former Attorney for Plaintiff
42400 Grand River Avenue
Suite 106
Novi, MI 48375
248/348-6820
darylesalisbury@att.net

JAMES C. WRIGHT P67613
Attorney for Defendant Efficient Design, Inc
31700 Middlebelt Road, Suite 150
Farmington Hills, MI 48334
248/851-4111 fax 248/851-0100
jwright@zkac.com

AHMED M. HASSOUNA P67995
Attorney for Defendant Culpert
340 E. Big Beaver, Suite 250
Troy, MI 48083
248/764-1127
Ahmed_M_Hassouna@Progressive.com

/

MOTION TO ENTER SUBSTITUTION OF ATTORNEY ORDER

Daryle Salisbury, who has been dismissed by the plaintiff as her attorney, seeks entry of the Stipulation for Substitution of Attorney by the In Pro Per Plaintiff and entry of the Substitution of Attorney Order, and in support of this Motion states:

1. That on March 8, 2013 Plaintiff terminated/dismissed Daryle Salisbury as her attorney by the following certified letter:

> "Dear Mr. Salisbury,
> Please be advised you are dismissed as my attorney.
> I am terminating the professional relationship and you should immediately cease working on any and all matters related to my first-party no-fault and personal injury cases (12-016693-NF and 13-000652-NI).
> I am requesting the return of the two binders I loaned you (MEEMIC records and medical records), and a complete copy of both case files, including any correspondence between you and the three defense attorneys.
> I would like to pick up these materials in person. I will be contacting you to set up a date to do so.
> Please send me an itemized bill listing all pending fees and expenses.
> Thank you for your services."

2. That in response to the Plaintiff's dismissal and termination of services letter attorney Daryle Salisbury has prepared and submitted the proposed stipulation and order shown by Attachment "A" to this Motion.

3. That the plaintiff has not yet entered the proposed Stipulation or submitted the proposed Order for Substitution to the Court.
4. That plaintiff's dismissal of Daryle Salisbury as plaintiff's attorney and plaintiff's termination of Daryle Salisbury's services requires the plaintiff, or some attorney, be substituted in this matter as noted in the cases submitted in the attached supporting brief.
5. That this Motion to enter the proposed Order for Substitution of Attorney by In Pro Per Plaintiff be considered and entered by the Court.

Respectfully Submitted By,

/S/DARYLE SALISBURY P19852
Former Attorney for Plaintiff

DATED: April 27, 2013

PROOF OF SERVICE: On this date Daryle Salisbury efiled a copy of this document with the Court Clerk along with ECF service/notification to counsel of record and mailed a copy to the Plaintiff.

STATE OF MICHIGAN

WAYNE COUNTY CIRCUIT COURT

TAMARA FILAS,

Plaintiff,

vs.

KEVIN THOMAS CULPERT, and,
EFFICIENT DESIGN, INC.,
A Michigan Corporation,

Defendants.

/

Case No: 13-000652-NI

Hon. Susan D. Borman

DARYLE SALISBURY P 19852
Former Attorney for Plaintiff
42400 Grand River Avenue
Suite 106
Novi, MI 48375
248/348-6820
darylesalisbury@att.net

JAMES C. WRIGHT P67613
Attorney for Defendant Efficient Design, Inc
31700 Middlebelt Road, Suite 150
Farmington Hills, MI 48334
248/851-4111 fax 248/851-0100
jwright@zkac.com

AHMED M. HASSOUNA P67995
Attorney for Defendant Culpert
340 E. Big Beaver, Suite 250
Troy, MI 48083
248/764-1127
Ahmed_M_Hassouna@Progressive.com

/

BRIEF IN SUPPORT OF
MOTION TO ENTER PROPOSED
SUBSTITUTION OF ATTORNEY ORDER

Daryle Salisbury, whom plaintiff has dismissed as her attorney and terminated his services, submits the following case citations provide direction to

the parties and the Court regarding the attached Motion to Enter the Proposed Substitution of Attorney Order, to wit: *Mitchell v Dougherty, 249 Mich App 668, 644 NW2d 391 (2002)* at Page 683 notes, when an attorney is retained to represent a client, that representation continues until the attorney is relieved of the obligation by the client or the court. *cf. Stroud v Ward, 169 Mich App 1, 6; 425 NW2d 490 (1988).*

Also as noted at Page 684 of *Mitchell, supra*, "This Court has also held that a client terminated his attorney's representation by sending a letter stating that the attorney did not have authority to act on his behalf. *Hooper v Hill Lewis, 191 Mich App 312, 315; 477 NW2d 114 (1991)*. See also *Basic Food Industries, Inc v Travis, Warren, Nayer & Burgoyne, 60 Mich App 492, 497; 231 NW2d 466 (1975)*."

So, as now Michigan Supreme Court Justice Zahra has agreed and adopted in the *Mitchell* case, "*representation continues until the attorney is relieved of the obligation by the client* or the court." (emphasis supplied).

Since attorney Daryle Salisbury's representation has been terminated and his obligation to represent the client relieved by the client the attorney may not withdraw, but only seek entry of an Order for Substitution of Attorney.

Respectfully Submitted By,
/S/DARYLE SALISBURY P19852
Former Attorney for Plaintiff

DATED: April 27, 2013

PROOF OF SERVICE: On this date Daryle Salisbury efiled a copy of this document with the Court Clerk along with ECF service/notification to counsel of record and mailed a copy to the Plaintiff.

Exhibit W

REGISTER OF ACTIONS
CASE NO. 13-000652-NI

RELATED CASE INFORMATION

Related Cases

11-014149-NF (Prior Action)

PARTY INFORMATION

Defendant	**CULPERT, KEVIN THOMAS**	**Lead Attorneys** **Ahmed M. Hassouna** *Retained* (248) 764-1127(W)
Defendant	**EFFICIENT DESIGN, INC.**	**Michael Charles O'Malley** *Retained* (248) 312-2940(W)
Plaintiff	**Filas, Tamara**	**Pro Se**
Plaintiff	**FILAS, TAMARA**	**Daryle G. Salisbury** *Retained* (248) 348-6820(W)

EVENTS & ORDERS OF THE COURT

OTHER EVENTS AND HEARINGS

01/14/2013 **Service Review Scheduled**
(Due Date: 04/15/2013) (Clerk: Tyler,F)

01/14/2013 **Status Conference Scheduled**
(Clerk: Tyler,F)

01/14/2013 **Case Filing Fee - Paid**
$150.00 Fee Paid (Clerk: Tyler,F)

01/14/2013 **Complaint, Filed**
(Clerk: Bynum,D)

02/06/2013 **Answer to Complaint-with Jury Demand, Filed**
Proof of Service, Filed; Affirmative Defenses, Filed (Clerk: Tyler,F)

02/06/2013 **Proof of Service, Filed**
(Clerk: Tyler,F)

02/07/2013 **Request for Admissions, Filed**
(Clerk: Tyler,F)

02/12/2013 **Appearance of Attorney, Filed**
(Clerk: Tyler,F)

02/19/2013 **Service of Complaint, filed**
(Clerk: Tyler,F)

02/19/2013 **Answer to Affirmative Defenses, Filed**
(Clerk: Tyler,F)

02/20/2013 **Answer to Complaint-with Jury Demand, Filed**
Proof of Service, Filed; Affirmative Defenses, Filed (Clerk: Tyler,F)

02/20/2013 **Witness List, Filed**

Proof of Service, Filed (Clerk: Tyler,F)

2/25/2013	**Affirmative Defenses, Filed** *(Clerk: Tyler,F)*
03/11/2013	**Appearance of Attorney, Filed** *(Clerk: Tyler,F)*
03/26/2013	**Motion to Extend Time, Filed** *Fee: $20.00 Paid; Brief, Filed; Proof of Service, Filed; Notice of Hearing, Filed (Clerk: Tyler,F)*
04/03/2013	**Notice of Hearing, Filed** *(Clerk: Tyler,F)*
04/04/2013	**Praecipe, Filed** (Judicial Officer: Borman, Susan D.)
04/19/2013	**Notice of Hearing, Filed** *(Clerk: Tyler,F)*
04/19/2013	**Motion to Compel Answers to Interrogatories, Filed** *Fee: $20.00 Paid; Brief, Filed; Proof of Service, Filed; Notice of Hearing, Filed (Clerk: Tyler,F)*
04/22/2013	**Motion to Consolidate, Filed** *Fee: $20.00 Paid; Brief, Filed; Proof of Service, Filed; Notice of Hearing, Filed (Clerk: Tyler,F)*
04/24/2013	**Praecipe, Filed** (Judicial Officer: Borman, Susan D.)
04/24/2013	**Notice of Hearing, Filed** *(Clerk: Tyler,F)*
04/26/2013	*CANCELED* **Motion Hearing** (9:00 AM) (Judicial Officer Borman, Susan D.) *Scheduling Error* *Scheduling Error* *04/12/2013 Reset by Court to 04/26/2013*
04/29/2013	**Miscellaneous Motion, Filed** *Fee: $20.00 Paid; Brief, Filed; Proof of Service, Filed; Notice of Hearing, Filed (Clerk: Tyler,F)*
04/30/2013	**Motion to Compel Action, Filed** *Fee: $20.00 Paid; Brief, Filed; Proof of Service, Filed; Notice of Hearing, Filed (Clerk: Tyler,F)*
05/01/2013	**Praecipe, Filed** (Judicial Officer: Borman, Susan D.)
05/02/2013	**Status Conference** (9:30 AM) (Judicial Officer Borman, Susan D.) *04/15/2013 Reset by Court to 04/19/2013* *04/19/2013 Reset by Court to 04/23/2013* *04/23/2013 Reset by Court to 05/02/2013*
05/03/2013	**Motion Hearing** (9:00 AM) (Judicial Officer Borman, Susan D.) *Plaintiff - Plaintiff's Motion for Continuance* *04/12/2013 Reset by Court to 04/26/2013* *04/26/2013 Reset by Court to 05/03/2013*
05/03/2013	*CANCELED* **Motion Hearing** (9:00 AM) (Judicial Officer Borman, Susan D.) *Dismiss Hearing or Injunction* *Dismiss Hearing or Injunction*
05/10/2013	**Motion Hearing** (9:00 AM) (Judicial Officer Borman, Susan D.) *Defendant Efficient Design - Motion to Compel Discovery From Plaintiff*

Register of Actions
Case No. 13-000652-NI

Related Case Information

Related Cases

11-014149-NF (Prior Action)

Party Information

Defendant	**CULPERT, KEVIN THOMAS**	**Lead Attorneys** **Ahmed M. Hassouna** *Retained* (248) 764-1127(W)
Defendant	**EFFICIENT DESIGN, INC.**	**James C. Wright** *Retained* (248) 851-4111(W)
Plaintiff	**Filas, Tamara**	**Pro Se**
Plaintiff	**FILAS, TAMARA**	**Daryle G. Salisbury** *Retained* (248) 348-6820(W)

Events & Orders of the Court

OTHER EVENTS AND HEARINGS

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(Due Date: 04/15/2013) (Clerk: Tyler,F)

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(Clerk: Tyler,F)

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$150.00 Fee Paid (Clerk: Tyler,F)

01/14/2013 **Complaint, Filed**
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02/06/2013 **Answer to Complaint-with Jury Demand, Filed**
Proof of Service, Filed; Affirmative Defenses, Filed (Clerk: Tyler,F)

02/06/2013 **Proof of Service, Filed**
(Clerk: Tyler,F)

02/07/2013 **Request for Admissions, Filed**
(Clerk: Tyler,F)

02/12/2013 **Appearance of Attorney, Filed**
(Clerk: Tyler,F)

02/19/2013 **Service of Complaint, filed**
(Clerk: Tyler,F)

02/19/2013 **Answer to Affirmative Defenses, Filed**
(Clerk: Tyler,F)

02/20/2013 **Answer to Complaint-with Jury Demand, Filed**
Proof of Service, Filed; Affirmative Defenses, Filed (Clerk: Tyler,F)

02/20/2013 **Witness List, Filed**

Proof of Service, Filed (Clerk: Tyler,F)

02/25/2013	**Affirmative Defenses, Filed** *(Clerk: Tyler,F)*
03/11/2013	**Appearance of Attorney, Filed** *(Clerk: Tyler,F)*
03/26/2013	**Motion to Extend Time, Filed** *Fee: $20.00 Paid; Brief, Filed; Proof of Service, Filed; Notice of Hearing, Filed (Clerk: Tyler,F)*
04/03/2013	**Notice of Hearing, Filed** *(Clerk: Tyler,F)*
04/04/2013	**Praecipe, Filed** (Judicial Officer: Borman, Susan D.)
04/19/2013	**Notice of Hearing, Filed** *(Clerk: Tyler,F)*
04/19/2013	**Motion to Compel Answers to Interrogatories, Filed** *Fee: $20.00 Paid; Brief, Filed; Proof of Service, Filed; Notice of Hearing, Filed (Clerk: Tyler,F)*
04/22/2013	**Motion to Consolidate, Filed** *Fee: $20.00 Paid; Brief, Filed; Proof of Service, Filed; Notice of Hearing, Filed (Clerk: Tyler,F)*
04/24/2013	**Praecipe, Filed** (Judicial Officer: Borman, Susan D.)
04/24/2013	**Notice of Hearing, Filed** *(Clerk: Tyler,F)*
04/26/2013	*CANCELED* **Motion Hearing** (9:00 AM) (Judicial Officer Borman, Susan D.) *Scheduling Error* *Scheduling Error* *04/12/2013 Reset by Court to 04/26/2013*
04/29/2013	**Miscellaneous Motion, Filed** *Fee: $20.00 Paid; Brief, Filed; Proof of Service, Filed; Notice of Hearing, Filed (Clerk: Tyler,F)*
04/30/2013	**Motion to Compel Action, Filed** *Fee: $20.00 Paid; Brief, Filed; Proof of Service, Filed; Notice of Hearing, Filed (Clerk: Tyler,F)*
05/01/2013	**Praecipe, Filed** (Judicial Officer: Borman, Susan D.)
05/02/2013	**Status Conference** (9:30 AM) (Judicial Officer Borman, Susan D.) *04/15/2013 Reset by Court to 04/19/2013* *04/19/2013 Reset by Court to 04/23/2013* *04/23/2013 Reset by Court to 05/02/2013* Result: Held
05/02/2013	**Motion Hearing** (9:30 AM) (Judicial Officer Borman, Susan D.) *Plaintiff - Plaintiff's Motion for Continuance* *04/12/2013 Reset by Court to 04/26/2013* *04/26/2013 Reset by Court to 05/03/2013* *05/03/2013 Reset by Court to 05/02/2013* Result: Held
05/02/2013	**Motion Hearing** (9:30 AM) (Judicial Officer Borman, Susan D.) *Defendant Efficient Design - Motion to Compel Discovery From Plaintiff* *05/10/2013 Reset by Court to 05/02/2013* Result: Held
05/02/2013	**Status Conference Scheduling Order, Signed and Filed** (Judicial Officer: Borman, Susan D.) *s/c 12-10, w/l 7-11, disc 10-13, ce 10-28, 2nd s/c 12-16 (Clerk: Smith,P)*
05/02/2013	**Motion Denied, Order to Follow** (Judicial Officer: Borman, Susan D.) *denied continuance (Clerk: Smith,P)*
05/02/2013	**Motion to Compel Action Granted, Order to Follow** (Judicial Officer: Borman, Susan D.) *(Clerk: Smith,P)*
05/02/2013	**Motion to Withdraw as Attorney Granted, Order to Follow** (Judicial Officer: Borman, Susan D.) *(Clerk: Smith,P)*
05/02/2013	**Status Conference Scheduling Order, Signed and Filed** *(Clerk: Tyler,F)*
05/02/2013	**Status Conference Scheduling Order, Signed and Filed** (Judicial Officer: Borman, Susan D.)
05/03/2013	*CANCELED* **Motion Hearing** (9:00 AM) (Judicial Officer Borman, Susan D.) *Dismiss Hearing or Injunction* *Dismiss Hearing or Injunction*
05/03/2013	**Appearance of Attorney, Filed** *(Clerk: Tyler,F)*
05/03/2013	**Order for Miscellaneous Action, Signed and Filed** *(Clerk: Tyler,F)*
05/06/2013	**Settlement Conference Scheduled** *(Clerk: Fowler,R)*

05/06/2013	**Notice of Hearing, Filed** *(Clerk: Tyler,F)*
05/10/2013	**Notice of Hearing, Filed** *(Clerk: Tyler,F)*
06/21/2013	**Motion Hearing** (9:00 AM) (Judicial Officer Borman, Susan D.) *df Ejfficient design mtn to compel*
10/23/2013	**Case Evaluation - General Civil** *(Clerk: Fowler,R)*
12/10/2013	**Settlement Conference** (9:30 AM) (Judicial Officer Borman, Susan D.)

Exhibit X

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

Tamara Filas

Plaintiff (s)

Case No. 13-000652-NI

-vs-

Kevin Colpaert & Efficient Design, Inc.

Defendant (s)

13-000652-NI
FILED IN MY OFFICE
WAYNE COUNTY CLERK
5/3/2013 3:38:13 PM
CATHY M. GARRETT

Precious Smith

At a session of said Court, held in the Coleman A. Young Municipal Center, Detroit, Wayne County, Michigan on 5/3/2013

Present: HONORABLE SUSAN D. BORMAN
CIRCUIT COURT JUDGE

IT IS HEREBY ORDERED:

Daryle Salisbury is hereby discharged as counsel for Plaintiff.

IT IS FURTHER ORDERED that discovery is stayed for 30 days or until Plaintiff retains new counsel.

IT IS FURTHER ORDERED Plaintiff's Motion for Conference is Denied.

Approved as to form:

P: Tamara Filas's signature redacted

D: [signature] SDB

/s/ Susan D. Borman

Honorable Susan D. Borman
Circuit Court Judge

FOR ALBERT MAY

Exhibit Y

COCHRAN, FOLEY
& Associates, P.C.

TERRY L.COCHRAN
LYNN M. FOLEY
WILLIAM E. GRAY
EILEEN E. KROLL
CHARLES R. ASH, IV

Terri L. Shuttleworth
Office Administrator

Martin J. Rodgers, B.S.
Legal Investigator

July 16, 2012

VIA EMAIL

Ms. Tamara Filas
6477 Edgewood
Canton, MI 48187

Re: Tamara Filas vs. Kevin Thomas Culpert, et al
Our File: 2402-1

Hi Tamara:

On July 13, 2012, I received a telephone message from Ahmad Houssouna, Defendant Culpert's attorney, advising that he had received authority from the Progressive Insurance Company to extend an offer to resolve your claim against Defendant Culpert for his applicable policy limits of $20,000.00. In response, I telephoned Mr. Houssouna and left a voice message that I could not recommend a settlement of $20,000.00 unless three conditions were met:

(1) Proof that Defendant Culpert's policy limits are $20,000.00;
(2) A statement from Defendant Culpert that he was the sole owner of the 1997 Suburban at the time of the accident; and
(3) A statement from Defendant Culpert that he was not within the course and scope of his employment at the time of the accident.

In response to my telephone message, I received an email from Mr. Hassouna attaching a copy of Defendant Progressive Insurance Company's declaration sheet and a short note that he would follow up with his client regarding our two other inquiries.

Please find attached the following documents for your review and consideration as I outline to you your legal position and your options:

(1) Defendant Culpert's dec sheet;
(2) Your MEEMIC Insurance Company dec sheet without underinsured motorist protection;

You have the right to pursue Defendant Culpert for damages over and above his policy limit of $20,000.00. The Progressive Insurance Company has a duty to provide him with a defense of his personal assets. **If you decline to accept the policy, you can expect that Mr. Hassouna will vigorously defend Defendant Culpert both procedurally and substantively.** Procedurally, you can anticipate that Mr. Hassouna will object to the Motion to Adjourn Trial, a Protective

Ms. Tamara Filas
Re: Filas vs. Culpert, et al
July 16, 2012

Order and to Extend the Scheduling Order Dates. Substantively, you can expect that Attorney Hassouna to admit liability, but argue that your injuries fail to exceed Michigan's tort threshold that requires that you sustain an objective injury to an important bodily function that adversely affects your normal life. In addition, he will also argue that your injuries are essentially soft tissue with a mild traumatic brain injury and that you have made an excellent recovery.

If you are able to obtain a verdict in excess of $20,000.00 against Defendant Culpert, you can anticipate that Defendant Culpert may very well explore filing bankruptcy in order to discharge any kind of judgment you may obtain against him.

In addition, I have also reviewed your declaration sheet from the MEEMIC Insurance Company. You did not carry underinsured motorist protection so there is no remedy under your own policy as a result of Defendant Culpert being underinsured.

I have reviewed your medical records that you produced once again. You can expect the Defendants to argue that Dr. Sax had indicated that you could return to work with certain modifications in November, 2010 and that Dr. Ryan who conducted the neuropsychological evaluation found that you were testing in the above average to superior range in many areas even though there was evidence of a mild traumatic brain injury. In other words, the objective medical evidence may not support a long term disability claim as a teacher.

Assuming that Mr. Hassouna can produce a statement from Defendant Culpert indicating that Defendant Culpert has no additional insurance available and was not in the course of his employment at the time of the accident, I recommend that you accept Defendant Culpert's offer of $20,000.00. After deducting costs and attorney fees, I estimate that you will receive approximately $12,500.00 that would be tax free.

Sincerely yours,

Terry L. Cochran
Attorney at Law
Email: Tcochran@cochranfoley.com

TLC/sm
Attachments

Exhibit Z

MOTION FEE PAID

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

FILED
CATHY M GARRETT
WAYNE COUNTY CLERK
JUN - 1 2012
BY Cathy M. Garrett

FILAS, TAMARA v MEEMIC INSURANCE
Hon. Susan D. Borman 11/15/2011

11-014149-NF

TAMARA FILAS,

Plaintiff,

-vs-

KEVIN THOMAS CULPERT and MEEMIC INSURANCE COMPANY,

Defendants.
_____/

PROOF OF SERVICE

THE UNDERSIGNED CERTIFIES THAT A COPY OF THE FOREGOING INSTRUMENT WAS SERVED ON THE ATTORNEYS OF RECORD OF ALL PARTIES TO THE ABOVE CAUSE BY MAILING SAME TO THEM AT THEIR RESPECTIVE BUSINESS ADDRESSES AS DISCLOSED BY THE PLEADING OF RECORD HEREIN, WITH POSTAGE FULLY PREPAID THEREON ON 6-1-12

THE STATEMENT ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

Michelle Lewandowski

TERRY L. COCHRAN (P35890)
Attorney for Plaintiff
15510 Farmington Road
Livonia, MI 48154
734-425-2400

AHMED M. HASSOUNA (P67995)
Attorney for Defendant Culpert
38700 Van Dyke Avenue, Suite 150
Sterling Heights, MI 48312
(586) 268-2320
_____/

SIMEON R. ORLOWSKI (P27171)
Attorney for Defendant MEEMIC
1111 W. Long Lake Road, Ste. 300
Troy, MI 48098
(248) 641-7600

Law Office of Mark E. Williams
38700 Van Dyke, Suite 150
Sterling Heights, MI 48312
(586) 268-2320

DEFENDANT CULPERT'S FIRST MOTION TO EXTEND ALL SCHEDULING ORDER DATES AND ADJOURNMENT OF CASE EVALUATION & TRIAL

Defendant, KEVIN THOMAS CULPERT, by and through his attorney, Ahmed M. Hassouna, and for his motion, states as follows:

1. This is a first-party no-fault claim and third-party automobile negligence claim filed on November 15, 2011, arising out of an accident which occurred on January 15, 2010.

2. Defendant Culpert filed an Answer, Affirmative Defenses and Reliance on Jury Demand on or about January 26, 2012.

3. On April 9, 2012, undersigned counsel coordinated the setting of Plaintiff's deposition with the parties. The deposition was set to take place on June 4 2012, but was adjourned by plaintiff counsel per a conflict in his schedule. The deposition has been rescheduled for June 29, 2012, the first available date according to the attorneys' schedules.

4. The scheduling order sets discovery cutoff for June 17, 2012.

5. Case evaluation in this matter is currently set to take place on July 11, 2012. IMEs still must be scheduled and undersigned counsel for defendant awaits medical records. Additional depositions of witnesses will also be scheduled.

6. As depositions of witnesses have to be taken, no independent information regarding plaintiff's outstanding claims are available to defendant at this time. Additionally, after plaintiff's deposition, defense counsel will require additional discovery such as records requests, subpoenas and independent medical examinations; all of which will take additional time to obtain and schedule.

7. There can be no purposeful or meaningful case evaluation without sufficient and proper discovery.

8. The First Settlement Conference has been set for August 14, 2012 and the Second Settlement Conference for August 20, 2012.

9. Trial is scheduled for August 27, 2012.

Law Office of Mark E. Williams
38700 Van Dyke, Suite 150
Sterling Heights, MI 48312
(586) 268-2320

Case Note - Page 57 of 77

Date: 06/29/2012 09:49 PM Staff: TLC Topic: E-Mail Case Status ☐

From: Ahmed M Hassouna
To: sorlowski@garanlucow.com
CC: Terry Cochran
Subject: Filas: Order of Dismissal
Received: 6/29/2012 12:04:05 PM

Sy:

Received your v-mail. Okay to sign my name to a dismissal re: MEEMIC. My claims professional is analyzing the written discovery we have received to date in order to determine whether we will settle the case or simply take an order w/o prejudice. I will keep Terry posted on our progress.

Thanks much. Enjoy the weekend.

Best,

-A

Ahmed M. Hassouna, Esq.
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Salaried Employees of Progressive Casualty Insurance Company
38700 Van Dyke Avenue, Suite 150
Sterling Heights, MI 48312
Direct: (586) 268-2285
Network: 448-2285
Cell: (586) 291-4260
Fax: (586) 274-0163
ahmed_m_hassouna@progressive.com<mailto:ahmed_m_hassouna@progressive.com>

Exhibit AA

that.

MS. FILAS: Sure. It's F-I-L-A --

THE COURT: Okay, you can do that off the record. Are we done?

MR. HASSOUNA: Your Honor, I would simply ask for the same relief before you do Efficient Design for Mr. Culpert.

MS. FILAS: I have his though.

THE COURT: Excuse me, what same relief?

MR. HASSOUNA: I would like authorizations as well and I would like the answers to interrogatories.

THE COURT: Okay, who are you representing?

MR. WRIGHT: I represent Efficient Design.

MR. HASSOUNA: I represent Mr. Culpert.

THE COURT: Well, you're the same party.

MR. WRIGHT: No, Your Honor.

THE COURT: He's the employee; he's the employer.

MR. WRIGHT: Well, we're not --

THE COURT: It's vicarious liability.

MR. WRIGHT: Well, we're not -- but, yeah, you're right, Your Honor.

MS. FILAS: So they have two separate motions. But I have everything for Mr. Hassouna.

THE COURT: Ma'am, just a second.

MS. FILAS: Okay.

THE COURT: I cannot listen to more than one person at a time and I'm asking them questions. Okay, so was he driving, this Mr. --

MR. HASSOUNA: Mr. Culpert.

THE COURT: Culpert. Was he on the job?

MR. WRIGHT: No, not according to us. He was driving his own private vehicle on the way to work. There's an allegation that he was on his cell phone talking to his employer which hasn't been verified which is the theory.

THE COURT: Well, that should be very easy to verify. In all this time why hasn't it been verified yet?

MR. WRIGHT: Well, because this case just got off stay, Your Honor, and we haven't been able to take any depositions.

THE COURT: Stay?

MR. WRIGHT: It was stayed, yes.

THE COURT: No, I didn't stay it. It wasn't stayed.

MS. McGRATH: He stayed the discovery.

THE COURT: What?

MR. WRIGHT: Yes, Your Honor, it was

Exhibit BB

KATHLEEN FILAS
PO BOX [redacted]
CANTON, MI 48187-[redacted]

Account Number 734 981-0666 [redacted]
Billing Date Jul 1, 2013

Web Site att.com

at&t

Monthly Statement

Jun 2 - Jul 1, 2013

Bill-At-A-Glance

Previous Bill	50.96
Payment Received 6-21 - Thank You!	50.96CR
Adjustments	.00
Balance	.00
Current Charges	51.46
Total Amount Due	**$51.46**
Amount Due in Full by	Jul 25, 2013

Billing Summary

Billing Questions? Visit att.com/billing

Plans and Services	36.51
1-800-288-2020	
Repair Service:	
1-800-515-7272	
Automated Billing/Payment Arrangements:	
1-800-207-2228	
AT&T Internet Services	14.95
1-877-722-3755	
Total of Current Charges	**51.46**

AT&T Benefits

- Total AT&T Savings 15.99
- WE'RE HERE FOR YOU!

We hope your AT&T service is exceeding your expectations. Please call us at 1.877.377.5722 or visit us at att.com/mychoice if there's anything we can do to help you maximize the benefits of your service. When you call, please ask us about special limited-time offers that may save you money. For example, you can get the best value when you bundle qualifying wireless, home phone and digital TV service. Call today!

Plans and Services

Monthly Service - Jul 1 thru Jul 31

Complete Choice® Basic	26.00
Call Plan Unlimited	
Caller Identification	
Calling Name Display	
Call Waiting	

By choosing Complete Choice® Basic, you are saving $15.99 over the cost of the same services purchased separately.

Federal Access Charge	5.38
Total Monthly Service	**31.38**

Local Toll

No.	Date	Time	Place Called	Number	Code	Min	
Itemized Calls							
1	6-24	325P	DETROIT	MI 313 224-5243	D	1	.50

Key for Calling Codes:
D Day

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- SAVE! - AT&T ALERTS
- EASY ONLINE SUPPORT!
- LOCAL TOLL INFO
- PAYMENT OPTION:
- ELECTRONIC PAYM
- SERVICE INFORMA
- AT&T UNIVERSAL (
- CUSTOMER SUPPO

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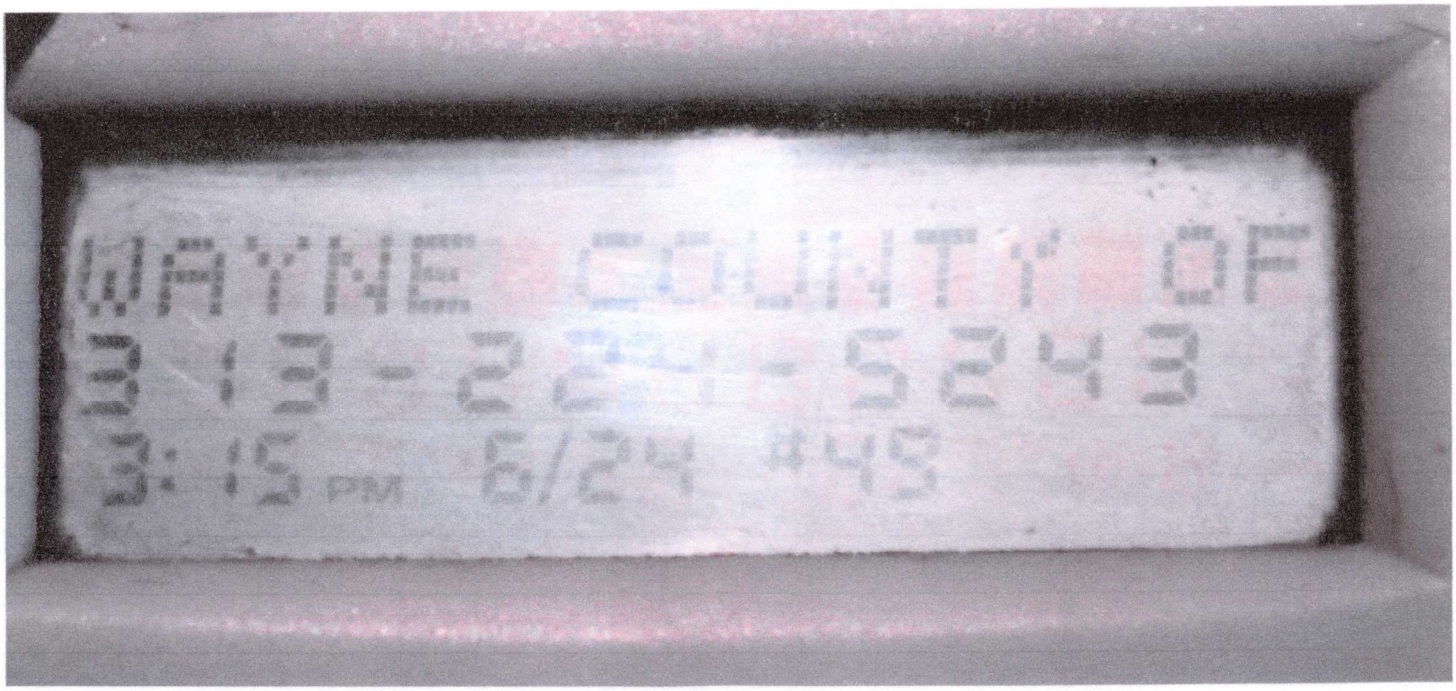
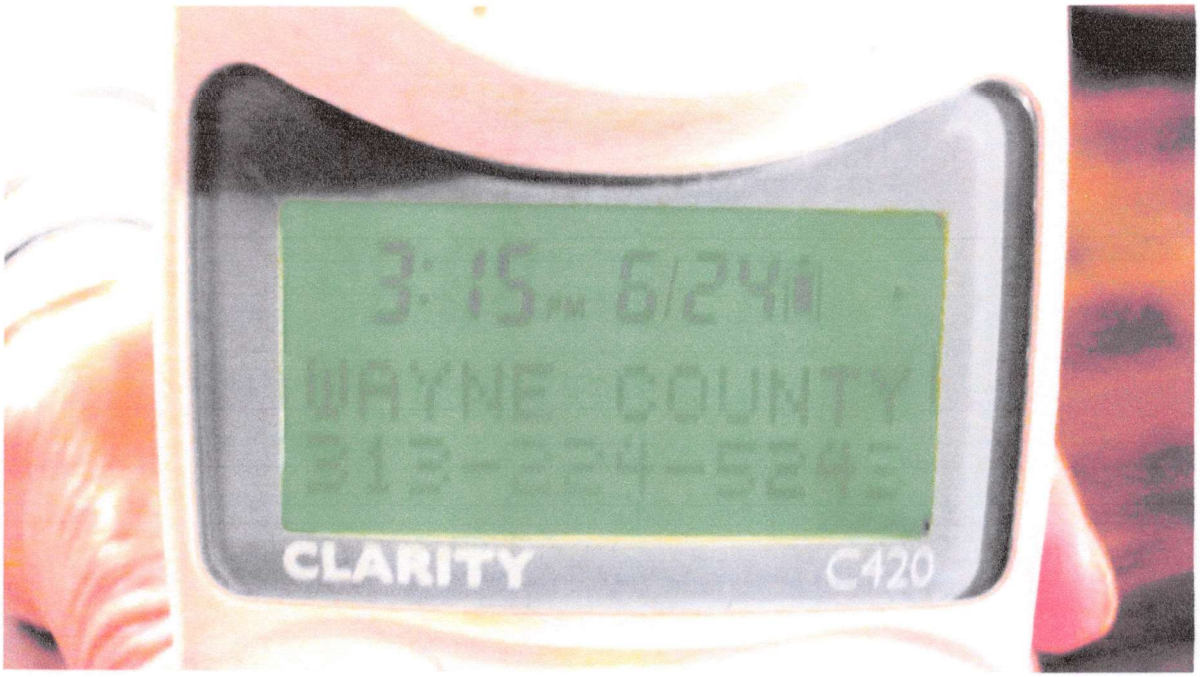
Return bottom portion with your check in the enclosed envelope.


WAYNE COUNTY OF
313-224-5243
3:15 PM 6/24 #43


3:15 PM 6/24
WAYNE COUNTY
313-224-5243
CLARITY
C420

AFFIDAVIT OF KATHLEEN FILAS

STATE OF MICHIGAN)

) SS

COUNTY OF WAYNE)

Kathleen Filas, being duly sworn, and based upon personal knowledge, deposes and says:

1. I make this affidavit based upon personal information, knowledge, and belief, and if called as a witness, I can competently testify under oath to the facts set forth herein:

2. I have had the landline telephone number 734-981-0666 listed in my name at my residence on Wedgewood Rd. in Canton, MI since 1982.

3. My daughter, Tamara Filas, does not reside with me.

4. Tamara does not make outgoing calls from my kitchen phone because she has had difficulty hearing conversations on that phone related to injuries to her hearing. It was the caller ID on the kitchen phone where I first observed a call received on 6-24-13 from 313-224-5243 and, the kitchen phone that I subsequently used to call that number back.

5. There are two, separate caller ID devices connected to two telephones serviced by this line land telephone number, 981-0666.

6. There is no answering machine or answering service on this line.

7. On Monday, June 24, 2013 (6-24) both caller ID's connected to 734-981-0666 registered incoming calls as follows:

   3:15 PM 6/24
   WAYNE COUNTY
   313-224-5243.

   And

   WAYNE COUNTY OF
   313-224-5243
   3:15PM 6/24 #43

8. I only received two calls on 981-0666 on 6-24-13. Only one call was from 313-224-5243.

9. At 3:25 pm, 6-24-13, I called the number registered on the caller ID, 313-224-5243, from my kitchen phone line with the number of 734-981-0666. The only other persons in my home at the time the incoming call from 313-224-5243 registered on my caller ID and when I called the number back were my husband and mother who can't speak. Tamara was not present. When I called 313-224-5243 at 3:35 pm, a woman answered and I gave her my phone number, 981-0666, and explained I received the call from 313-224-5243. She addressed me as Ms. Filas and said she was from the court. I acknowledged I was Ms. Filas, but informed her I thought she had the wrong number. It was determined that she wanted to speak to my daughter, Tamara Filas. I gave her Tamara's phone number which is the number that is shown on Tamara's court filings. I thought it was strange that the court would be calling me.

10. Tamara Filas does not have a land line at her residence. The only phone she has is a cell phone with voice mail service. I gave her cell phone number to the woman I spoke to at 313-224-5243 on 6-24-13, so she could reach her.

11. Photos included as evidence are of the two caller ID's showing the incoming call from 313-224-5243 on 6-24-13 at my residence as they were registered on that date. They were taken by Tamara Filas at my residence on August 3, 2013.

12. The copy of my monthly statement from AT&T showing my name, phone number and one (1) itemized call made from 734-981-0666 to 313-224-5243 that reads as follows: 1 6-24 325P Detroit MI 313 224-5243 D 1, is an authentic copy of my original statement. I redacted my P.O. Box number and other identifying numbers to protect my account from being accessed by unauthorized persons.

Signature redacted

Kathleen Filas

Subscribed and sworn to before me this
5th day of Aug, 2013.

Zachary W Kast

Notary Public, Wayne County, MI
Acting in Wayne County
My Commission Expires: 9-12-18

ZACHARY W KAST
Notary Public, State of Michigan
County of Wayne
My Commission Expires Sept 12, 2018
Acting in the County of Wayne

Detail for Tamara J Filas: 734–751–0103

6/24	3:26P	000–000–0086	Peak	PlanAllow,CallWt	Canton MI	Voice Mail CL	2	--	--	--
6/24	3:31P	313–224–5243	Peak	PlanAllow	Canton MI	Detroit MI	4	--	--	--

Exhibit CC

MS. FILAS: That was the first chance I got to get an attorney.

THE COURT: No, I mean you've had two attorneys already and I said two weeks and that was it. The issue was going to be you had to sign the authorizations.

MS. FILAS: Right.

THE COURT: Did you sign the authorizations?

MS. FILAS: I have them here.

THE COURT: Did you sign them?

MS. FILAS: But I was hoping to get another attorney.

THE COURT: Did you sign them?

MS. FILAS: No.

THE COURT: No, no.

Okay, would you look at the authorizations.

MR. ORLOWSKI: She's marked them up, Your Honor.

MS. FILAS: Well, I only added a couple --

THE COURT: You got to sit down and figure out -- no, you have to sign the authorizations the way they are. You can't start putting things in to make it conditional, no.

MS. FILAS: But they had no expiration date. Nobody should sign -- that's the law that you

shouldn't have to sign a --

THE COURT: Okay, can you put that the authorizations last until the close of this case?

MR. ORLOWSKI: I can do that.

THE COURT: Okay, is there anything else in there that besides that?

MR. ORLOWSKI: I'll do that right now.

THE COURT: Is there any other markings on there besides that?

MR. ORLOWSKI: Yes, there are.

THE COURT: Okay, everything else has to come off. Do you have authorizations with you?

MR. ORLOWSKI: Yes.

THE COURT: Okay, fresh authorizations.

You're here on the third party case?

MR. SCHWARTZ: Correct, Your Honor. Do you want to address the matter, the continuance which she's requesting?

THE COURT: No, no more continuances. When was the third party case filed?

MS. McGRATH: It was filed January 1st.

THE COURT: And you've had a status conference?

MS. McGRATH: We were supposed to have a status conference this Tuesday, unfortunately it got

Exhibit DD

Michigan Supreme Court
State Court Administrative Office
Michigan Hall of Justice
P.O. Box 30052
Lansing, Michigan 48909
Phone (517) 373-0128

Chad C. Schmucker
State Court Administrator

MEMORANDUM

DATE: June 23, 2011

TO: Chief Judges
cc: Court Administrators/Clerks
Probate Registers
County Clerks
SCAO Regional Administrators

FROM: Chad C. Schmucker

RE: SCAO Administrative Memorandum 2011-02
Acceptance of SCAO-Approved Court Forms

We have received some reports of courts refusing to accept SCAO-approved court forms. It has been difficult to determine specifically where this is occurring and whether it is a court policy, a practice of an individual judge, or simple misunderstanding by a court clerk. This memo is intended to clarify what is already the practice of almost all of the courts across the state.

The procedural rules regarding forms are contained in the Case File Management Standards and in MCR 1.109. Case File Management Standards Component 32 states: "Unless specifically required by statute or court rule, the court may not mandate the use of a specific form, whether SCAO-approved or locally developed." MCR 1.109 provides that the court clerk must reject nonconforming papers unless the judge directs otherwise. That same rule states that SCAO-approved forms are conforming papers. Courts may not impose additional procedures beyond those contained in the court rules.[1] Therefore, all courts must accept court forms approved by the Supreme Court or the state court administrator. To mandate the use of a particular local court form, a court must adopt a local court rule for that purpose. The Supreme Court must approve all local court rules.

If you have questions, contact Amy Garoushi at elgaroushia@courts.mi.gov or 517-373-4864, or Traci Gentilozzi at gentilozzit@courts.mi.gov or 517-373-2217.

---

[1] Credit Acceptance Corporation v 46th District Court, 481 Mich 883 (2008) affirming In Re: Credit Acceptance Corporation, 273 Mich App 594 (2007). MCR 8.112 requires that a court adopt a local court rule approved by the Supreme Court to authorize any practice that is not specifically authorized by the rules.

Court Forms

SCAO-Approved Court Forms

Developing and Revising Court Forms

The Trial Court Services Division of the State Court Administrative Office is responsible for developing, revising, approving, and distributing court forms. Part of this process includes review and recommendation by the Michigan Court Forms Committee. The committee is comprised of ten works groups that include representatives from trial court associations, sections of the State Bar of Michigan, and state departments or agencies. The work groups meet annually to discuss requests for new forms and suggestions to revise existing forms received by the Trial Court Services Division.

Requests for new or revised forms are published on this website for a 30-day comment period. Comments received during this publication period are provided to the Michigan Court Forms Committee for discussion at its meetings. See Proposals for Comment for details.

New forms and changes to existing forms approved by the committee are recommended to the State Court Administrator for final approval. Forms approved by the State Court Administrator are then distributed to trial courts, printers, publishers, and state departments and are posted on this website. See Recently Revised Forms.

For additional details on the forms process, see Section 8-06, State Court Administrative Office Forms, in the Michigan Court Administration Reference Guide.

Revising the Uniform Law Citation

Courts that want to revise the Uniform Law Citation for local purposes must submit a draft to the Trial Court Services Division for review. If the revision is approved by the State Court Administrator, the draft will be forwarded to the Attorney General, Secretary of State, and Director of Michigan State Police for approval as required by Michigan law. Click here for more information.

COMMENTS AND REQUESTS

Any interested person may request that a new form be developed or an existing form be revised. Comments and requests may be made by mail, telephone, or email.

SCAO-Approved Court Forms
PO Box 30048
Lansing, Michigan 48909
Phone: (517) 373-2217
CourtFormsInfo@courts.mi.gov

courts.mi.gov/administration/scao/forms/pages/default.aspx

MICHIGAN COURTS
One Court of Justice

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All courts must accept court forms approved by the Supreme Court or the state court administrator.
SCAO ADM Memorandum 2011-02

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