

Exhibit O



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 gentilozzi@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.

Exhibit P

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



Certificate of Mailing

From:

F

Ms. Tamara Filas
6477 Edgewood Rd.
Canton, MI 48187-5264

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

PS Form 3817, April 2007 PSN 7530-02-000-9065

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0188

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03/09/2013

Sent To
Mr. Daryle Salisbury
Street, Apt. No.,
or PO Box No. 42400 Grand River Ave., Ste. 106
City, State, ZIP+4
Novi, MI 48375

PS Form 3800, August 2006

See Reverse for Instructions

Exhibit Q

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

TAMARA FILAS,

Plaintiff,

Case No. 13-000652-NI

Honorable Susan D. Borman

v.

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

13-000652-NI

Defendants.

FILED IN MY OFFICE
WAYNE COUNTY CLERK

4/30/2013 9:44:05 AM

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

NOTICE OF HEARING

PLEASE TAKE NOTICE that Defendant Efficient Design's Motion to Compel Discovery from Plaintiff, will be brought on for hearing before the Honorable Susan D. Borman on Friday, **May 10, 2013**, at 9:00 a.m., or as soon thereafter as counsel may be heard.

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 48334-2374
(248) 851-4111

Dated: April 30, 2013

Exhibit R

6477 Edgewood
Canton, MI 48187
March 17, 2015

James C. Wright
Zausmer, Kaufman, August & Caldwell, P.C.
31700 Middlebelt Rd., Suite 150
Farmington Hills, MI 48334

Sent via Certified U.S. Mail

**RE: Tamara Filas v Kevin Thomas Culpert & Efficient Design, Inc.,
MSC # 151198, COA #317972**

Dear Mr. Wright,

I received a letter from the Michigan Supreme Court dated 3-12-15 that should have been sent to all parties to the case. I noticed that your name was not listed at the bottom as a party to whom a copy of the letter was sent.

I called the MSC on 3-17-15 and informed them of the error. Cheryl, the clerk, told me that she would mail you out a copy of the 3-12-15 letter and add your name to the label-printing system so that if any other correspondence from the court was to be sent out to all parties, you should now receive it.

Cheryl stated that nothing would be indicated on the docket, nor would I receive any confirmation that the letter was sent out to you. Therefore, to be certain that you received a copy of the 3-12-15 letter, I am enclosing a copy of it.

Yours truly,

signature redacted

Tamara Filas

Enclosure: 3-12-15 letter from Larry S. Royster, Supreme Court Clerk



Michigan Supreme Court
Office of the Clerk
Michigan Hall of Justice
P.O. Box 30052
Lansing, Michigan 48909
Phone (517) 373-0120

March 12, 2015

Tamara Filas
6477 Edgewood
Canton, MI 48487

Re: Filas v Kevin Thomas Culpert & Efficient Design, SC #151198

Ms. Filas,

Your Application for Leave to Appeal in the above-referenced matter has been received and filed by this office and will be submitted to the Court for its consideration on or after March 31, 2015.

By copy of this letter, other counsel are advised that an answer to your application may be filed with this office. You and all other parties will be advised by mail when the Court has taken action.

LARRY S. ROYSTER
Supreme Court Clerk

CRD/cc

cc: Drew W. Broaddus, Attorney
Michael C. O'Malley, Attorney

7014 1200 0000 9123 0734

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Restricted Delivery Fee (Endorsement Required)	\$ 0.00	MAR 17 2015
Total Postage & Fees	\$ 6.49	03/17/2015

Sent To *James C. Wright*
Zausmer, Kaufman, August & Caldwell, P.C.
 Street, Apt. No. or PO Box No. *31700 Middlebelt Rd., Suite 150*
 City, State, ZIP+4
Farmington Hills, MI 48334

PS Form 3800, August 2006 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
James C. Wright
Zausmer, Kaufman, August & Caldwell, P.C.
31700 Middlebelt Rd., Suite 150
Farmington Hills, MI 48334

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Nedda Nehmech Addressee

B. Received by (Printed Name) *Nedda Nehmech* C. Date of Delivery *3.20.15*

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
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2. Article Number (Transfer from service label) **7014 1200 0000 9123 0734**

Exhibit S

1 STATE OF MICHIGAN
2 IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE
3 CIVIL DIVISION

4 TAMARA FILAS,

5 Plaintiff,

6 vs.

7 KEVIN CULPERT and EFFICIENT DESIGN,

8 Defendants.

Case No. 13-000652 NI

THIRD JUDICIAL
CIRCUIT COURT
14 FEB 26 AM 8:32
COURT REPORTING
CIVIL DIVISION

9 _____ /
10 MOTION

11 BEFORE THE HONORABLE SUSAN D. BORMAN, Circuit Judge,
12 Detroit, Michigan on Friday, May 2, 2013.

13 APPEARANCES:

14
15 Pro Per Plaintiff: TAMARA FILAS
16 6477 Edgewood
17 Canton, MI 48187
(734) 751-0103

18 For the Defendant: MICHAEL C. O'MALLEY, P59108
19 (Efficient Design) 1450 W. Long Lake Road, Suite 150
20 Farmington Hills, MI 48334
(248) 851-4111

21 For the Defendant: AHMED HASSOUNA, P67995
22 (Kevin Culpert) 340 East Big Beaver, Suite 250
23 Troy, MI 48083
(248) 764-1127

24
25 COPY

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WITNESS:

None

EXHIBITS:

None

IDENTIFIED

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Detroit Michigan
Thursday, May 2, 2013
Morning session - 10:04 a.m.

- - -

THE COURT: Good morning.
MS. FILAS: Good morning.
MR. SALISBURY: Good morning, Your Honor.
THE COURT: Good morning.
MR. HASSOUNA: Good morning, Your Honor.
MR. O'MALLEY: Michael O'Malley on behalf

of Defendant Efficient Design, Your Honor.

THE COURT: Okay, so first of all we have a motion for substitution of attorney?

MR. SALISBURY: Yes.

THE COURT: Well, who's substituting in? She's not an attorney.

MR. SALISBURY: She's not an attorney, right. It's today to fill in for the Court's purposes, I guess, until --

THE COURT: What do you mean fill in for the Court?

MR. SALISBURY: Well, I've been dismissed.

THE COURT: Yeah.

MR. SALISBURY: So it's not a matter of withdrawing. It's a matter of substitution.

1 THE COURT: Is that true, you've dismissed
2 this attorney?

3 MS. FILAS: Yes.

4 THE COURT: You're going to have a really
5 hard time finding anybody to represent you.

6 MS. FILAS: Well, I'm looking.

7 THE COURT: Okay, you can look, but --

8 MS. FILAS: I have someone in mind.

9 THE COURT: -- anybody who knows that you
10 fired three or four attorneys already is not going to
11 want to take your case.

12 MS. FILAS: It's only been two, and it was
13 for valid reasons.

14 THE COURT: This is the third. This is the
15 third.

16 MS. FILAS: No, this is the second.

17 MR. SALISBURY: Hopefully only the second.

18 MS. FILAS: Yeah, hopefully.

19 THE COURT: All right, so I'll grant your
20 motion since she doesn't want you to represent her,
21 but there's no substitution of attorney here. You're
22 just asking to be relieved from representing her.
23 I'll grant that motion, but it's not a substitution
24 of attorney because there's no attorney being
25 substituted.

1 Now, as far as the motion for continuance,
2 no. What we'll do is we'll do a status conference.
3 I'll give you a little extra time. It's my
4 understanding from reading your motion that you don't
5 want to give your deposition without an attorney, so
6 who's the one that's asking for her deposition?

7 MR. O'MALLEY: We both are, Your Honor.

8 THE COURT: Okay, so we'll put a stay on
9 the deposition for 30 days.

10 MR. O'MALLEY: Okay.

11 THE COURT: Okay, you'll have 30 days to
12 get yourself an attorney. If you don't, you're just
13 going to have to go to your deposition by yourself.

14 MS. FILAS: Okay.

15 THE COURT: I guess that's it, right?

16 MR. O'MALLEY: May we take up the motion to
17 compel, Your Honor?

18 THE COURT: Compel what?

19 MR. O'MALLEY: The answers to
20 interrogatories. I'm here today, Your Honor, asking
21 for the same relief that --

22 THE COURT: Okay, so we'll also go for 30
23 days on that or until she gets an attorney, until
24 somebody files an appearance whichever is sooner,
25 okay.

1 MR. HASSOUNA: What about this --

2 MR. O'MALLEY: That's fair, Your Honor.

3 THE COURT: Okay.

4 MR. HASSOUNA: What about the authorizations?

5 THE COURT: Same thing. She's not going to
6 sign the authorizations. You're going to end up
7 having this case dismissed too because, ma'am, you
8 have to sign the authorizations. You can't bring a
9 lawsuit putting your -- claiming damages for injuries
10 of whatever kind without giving them authorizations
11 to your medical records. If you're going to continue
12 to not do that, or put restrictions on that that the
13 law doesn't allow, your case will end up being
14 dismissed just like your other case.

15 MS. FILAS: The only restriction that I put
16 on it was that only the attorneys --

17 THE COURT: I don't want to hear about the
18 restrictions. I already ruled on that. I said you
19 couldn't do that so we're not going to revisit that,
20 okay. We're not going to revisit that. But if you
21 persist on doing that, this case is going to be
22 dismissed too. There's going to come a point where
23 if I've dismissed the case twice, it's going to be
24 with prejudice, and then you're not going to be able
25 to bring a lawsuit again, so this is something you

1 have to do. This is what the law requires. I
2 understand you don't want to do it, but in order to
3 bring such a lawsuit, you have to do it.

4 MS. FILAS: I just don't see where the law
5 requires to give it to a third party.

6 THE COURT: Okay, I don't care what you
7 see. I don't care what you see. We've gone over
8 this. It's not what you see.

9 MS. FILAS: But I'm being asked to give
10 records to a third party, not just the attorneys.
11 I'm being asked to give them to this deposition
12 service, and I just wanted to clarify that it was
13 just going to the one attorney.

14 THE COURT: It goes through Record Copy
15 Service. They don't care about your medical records,
16 but that's the way it's done, okay. That's the way
17 it's done. That way they know they get all your
18 records and that you're not keeping any back.

19 MS. FILAS: Right, I just wanted to make
20 sure it just went to that attorney though and it
21 didn't say Records Deposition who it was even being
22 disclosed to. Basically the way the form is written
23 it allowed them --

24 THE COURT: Only for this case. But when
25 you request your authorizations you can say it's for

1 the use in this case. It's not going to go to any
2 third party. But there are other people involved in
3 the case that will see your record. The insurance
4 company will see your record. The attorneys will see
5 your record. The defendants who are involved in this
6 case are going to see your records.

7 MS. FILAS: Right.

8 THE COURT: Yeah, yes.

9 MS. FILAS: I have no problem with that.

10 MR. O'MALLEY: Your Honor, may I make a
11 proposal regarding the outstanding discovery?

12 THE COURT: Yeah.

13 MR. O'MALLEY: With respect to the 30 days,
14 can we have a self-executing order that if we don't
15 receive the answers to the interrogatories sworn
16 under oath and the executed authorizations --

17 THE COURT: No.

18 MR. O'MALLEY: -- that the case is dismissed
19 without prejudice?

20 THE COURT: No. You'll bring a motion. No.
21 N-O. So I'm going to instruct my judicial attorney to
22 make out a scheduling order now. You don't even have
23 to come back. But you'll sit down and she's going to
24 give it to you. And instead of the usual 120 days
25 that we give, we'll be giving 150 days, okay.

1 And your motion -- you're going to have to
2 -- I don't know what your order says, but it's not a
3 substitution of attorney.

4 MR. SALISBURY: In pro per.

5 THE COURT: I don't see your order. I
6 don't see your order.

7 MR. SALISBURY: There's a proposed order.

8 THE COURT: Well, you're going to have to
9 make it the way I ruled. So everything is going to
10 be like in a stay for 30 days.

11 MS. FILAS: Would that include the motion
12 that's scheduled for next week on Friday?

13 THE COURT: What motion is scheduled for
14 next week?

15 MS. FILAS: Efficient Design's motion to
16 compel discovery also.

17 MR. O'MALLEY: Co-defense counsel, there's
18 two of us representing Efficient Design's under two
19 different policies. I'll let him know that that's
20 put off.

21 THE COURT: Okay, so this is a third party
22 case, right?

23 MR. SALISBURY: Yes, Your Honor.

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

25 THE COURT: Okay, I don't see your order

1 here.

2 MR. O'MALLEY: It was part of the packet.

3 THE COURT: I don't have it. Do you have a
4 copy of it?

5 MR. O'MALLEY: I only had one copy.

6 THE COURT: You only had one copy? How are
7 you going to get a true copy then?

8 MR. O'MALLEY: It's an e-file case.

9 THE COURT: It's not an e-file case or are
10 we e-filing these now?

11 THE CLERK: Yes.

12 THE COURT: Okay, fill out a blank order
13 and then I'll initial it and then you'll have to
14 e-file it.

15 MR. O'MALLEY: Your Honor, shall I
16 re-notice the motion to compel after 30 days?

17 THE COURT: How else are you going to get
18 it before me.

19 MR. O'MALLEY: Okay.

20 THE COURT: I told you it wasn't going to
21 be self-executing, so I don't know of any other way
22 except by bringing a motion.

23 MR. O'MALLEY: I will re-notice it for the
24 next available motion after 30 days.

25 THE COURT: Any Friday is available. Any

1 Friday is available unless I'm not going to be here.

2 Okay, you can get a blank order from

3 Precious.

4 MR. O'MALLEY: I just gave him one, Your

5 Honor. Thank you very much for your time.

6 MS. FILAS: Thank you.

7 THE COURT: You're welcome.

8 (Proceeding concluded - 10:14 a.m.)

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C E R T I F I C A T E

STATE OF MICHIGAN)
) .ss
COUNTY OF WAYNE)

I do certify that this transcript
consisting of these pages are a complete, true, and correct
transcript of the proceeding taken in this case in the County
of Wayne, State of Michigan on Friday, May 2, 2013.



Marge Bamonte, R-5518
Official Court Reporter
CAYMC Building, Room 1111
Detroit, MI 48226
(313) 224-5243