

# Order

Michigan Supreme Court  
Lansing, Michigan

December 23, 2019

Bridget M. McCormack,  
Chief Justice

159690

David F. Viviano,  
Chief Justice Pro Tem

*In re* PETITION OF ATTORNEY GENERAL  
FOR SUBPOENAS.

Stephen J. Markman  
Brian K. Zahra  
Richard H. Bernstein  
Elizabeth T. Clement  
Megan K. Cavanagh,  
Justices

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ATTORNEY GENERAL,  
Petitioner-Appellant,

v

VERNON E. PROCTOR, M.D.,  
Respondent-Appellee.

SC: 159690  
COA: 342680  
Ingham CC: 17-000021-PZ

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On order of the Court, the application for leave to appeal the February 26, 2019 judgment of the Court of Appeals is considered. We direct the Clerk to schedule oral argument on the application. MCR 7.305(H)(1).

The appellant shall file a supplemental brief within 42 days of the date of this order addressing: (1) whether the circuit court was required to hold a hearing before authorizing the disclosure of medical records under 42 CFR 2.66; (2) whether the circuit court erred when it determined that the petitioner established “good cause” and otherwise satisfied the criteria set forth in 42 CFR 2.64(d) and 42 CFR 2.64(e); and (3) whether the circuit court erred in authorizing the disclosure of confidential patient communications under 42 CFR 2.63(a). In addition to the brief, the appellant shall electronically file an appendix conforming to MCR 7.312(D)(2). In the brief, citations to the record must provide the appendix page numbers as required by MCR 7.312(B)(1). The appellee shall file a supplemental brief within 21 days of being served with the appellant’s brief. The appellee shall also electronically file an appendix, or in the alternative, stipulate to the use of the appendix filed by the appellant. A reply, if any, must be filed by the appellant within 14 days of being served with the appellee’s brief. The parties should not submit mere restatements of their application papers.

Persons or groups interested in the determination of the issues presented in this case may move the Court for permission to file briefs amicus curiae.



a1218

I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

December 23, 2019

Handwritten signature of Larry S. Royster in black ink.

Clerk