

MICHIGAN SUPREME COURT



Office of Public Information

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FOR IMMEDIATE RELEASE

Grandparents' rights case before Michigan Supreme Court this week; Court also to hear case alleging Michigan pharmacies overcharged for generic prescription drugs

LANSING, MI, January 14, 2014 – Grandparents seeking visiting time with the children of their deceased son will have their case heard by the Michigan Supreme Court in oral arguments this week.

Robert and Judith Porter, the plaintiffs in [*Porter v Hill*](#), sought a court order to allow them to have grandparenting time. The children's mother, Christina Hill, opposed them, arguing that the Porters lacked legal standing to sue for grandparenting time since their son's parental rights were terminated before he died. A trial court judge reluctantly ruled that the Porters lacked standing, adding, "I hope the Court of Appeals reverses me on this issue." But in a 2-1 ruling, the Court of Appeals upheld the trial court, with the majority holding that the Porters lacked standing because their son was not the children's legal father at the time of his death. The dissenting judge argued that the majority misread the state's Child Custody Act and that the Legislature had intended to allow grandparents to seek grandparenting time despite termination of a son or daughter's parental rights.

The Supreme Court will also hear [*State of Michigan v CVS Caremark, et al.*](#), in which a number of companies that operate pharmacies in Michigan are accused of overcharging for generic prescription drugs.

Also before the Court are two cases of alleged sexual abuse of children, [*People v Shaver*](#) and [*People v Douglas*](#). The Court will also hear arguments in [*People v White*](#), involving the 180-day or "speedy trial" rule, and [*IBM v Department of Treasury*](#), a tax case. Also to be argued is [*Yono v Department of Transportation*](#), in which MDOT challenges a Court of Appeals ruling allowing the plaintiff to pursue her lawsuit against MDOT. At issue is whether the parking lane where the plaintiff fell is part of the "improved portion of the roadway designed for vehicular travel" which MDOT would have a duty to maintain.

The Court will hear oral arguments in its courtroom on the sixth floor of the Michigan Hall of Justice on **January 15 and 16**, starting at **9:30 a.m.** each day. The Court's oral arguments are open to the public; the Court also live streams its hearings at <http://www.courts.mi.gov/Courts/MichiganSupremeCourt/oral-arguments/live-streaming/Pages/live-streaming.aspx>. Summaries of the cases the Supreme Court will hear are posted on the "One

Court of Justice” website; see <http://www.courts.mi.gov/Courts/MichiganSupremeCourt/oral-arguments/Pages/default.aspx> for the oral argument schedule and links to case summaries.

Please note: These brief accounts may not reflect the way that some or all of the Court’s seven justices view the cases. The attorneys may also disagree about the facts, issues, procedural history, and significance of these cases. For further details about the cases, please contact the attorneys.

Wednesday, January 15
Morning Session Only

INTERNATIONAL BUSINESS MACHINES CORPORATION v DEPARTMENT OF TREASURY (case no. 146440)

Court of Appeals case no. 306618

Attorney for plaintiff International Business Machines Corporation: Clifford W. Taylor/(313) 963-6420

Attorney for defendant Department of Treasury: Michael R. Bell/(517) 373-3203

Attorney for amicus curiae Council on State Taxation: Lynn A. Gandhi/(313) 465-7646

Attorney for amicus curiae Lorillard Tobacco Company: Lynn A. Gandhi/(313) 465-7646

Attorney for amicus curiae Interstate Commission for Juveniles and the Association of Compact Administrators of the Interstate Compact on the Placement of Children: Richard L. Masters/(502) 582-2900

Attorneys for amicus curiae Multistate Tax Commission: Shirley K. Sicilian, Sheldon H. Laskin/(202) 650-0300

Attorney for amicus curiae Jeffrey B. Litwak: Jeffrey B. Litwak/(503) 777-4758

Tribunal: Court of Claims

Issue: IBM seeks a tax refund of about \$6 million – but the Michigan Department of Treasury, relying on a formula in Michigan’s Business Tax Act, contends that IBM is entitled to far less. At issue is whether IBM was entitled to elect a formula set forth in the Multistate Tax Compact.

[... Read more](#)

PEOPLE v DOUGLAS (case no. 145646)

Court of Appeals case no. 301546

Prosecuting attorney: Jonathan L. Poer/(517) 264-4640

Attorney for defendant Jeffery Alan Douglas: Valerie R. Newman/(313) 256-9833

Attorney for amicus curiae Attorney General Bill Schuette: B. Eric Restuccia/(517) 373-1124

Attorney for amicus curiae Criminal Defense Attorneys of Michigan: Valerie R. Newman/(313) 256-9833

Trial Court: Lenawee County Circuit Court

Issue: A young child told her mother that she had been sexually abused by her father – about a year after the alleged abuse took place. One of the issues in this case is whether the child’s delay in reporting the abuse is “excusable” and hence admissible under evidence rules. [... Read more](#)

PORTER v HILL (case no. 147333)

Court of Appeals case no. 306562

Attorney for plaintiffs Robert Porter and Judith Porter: Philip L. Ellison/(989) 642-0055
Attorney for defendant Christina Marie Hill, f/k/a Christina Marie Porter: Susan J. Tarrant/(989) 249-9102

Trial Court: Saginaw County Circuit Court

Issue: The plaintiffs seek a court order allowing them grandparenting time with the children of their dead son – whose parental rights were terminated before his death. ... [Read more](#)

PEOPLE v WHITE (case no. 146872)

Court of Appeals case no. 308275

Prosecuting attorney: Madonna Georges Blanchard/(313) 224-5764

Attorney for defendant Thomas Clifford White: James Sterling Lawrence/(248) 395-2745

Trial Court: Wayne County Circuit Court

Issue: Did the defendant waive the 180-day (speedy trial) rule by his unconditional plea to criminal charges? ... [Read more](#)

Thursday, January 16

Morning Session Only

STATE OF MICHIGAN ex rel. MARCIA GURGANUS v CVS CAREMARK CORPORATION, et al. (case nos. 146791-3)

Court of Appeals case nos. 299997-9

Attorney for plaintiffs State of Michigan ex rel. Marcia Gurganus, City of Lansing, Dickinson Press, Inc., and Scott Murphy: Bryan R. Walters/(616) 336-6000

Attorneys for defendants CVS Caremark Corporation, et al.: Matthew L. Vicari/(616) 831-1700, Brian J. Murray/(312) 782-3939

Attorney for amicus curiae Attorney General Bill Schuette: Susan I. Hellerman/(517) 241-6500

Attorney for amicus curiae Michigan Association of Health Plans: Lori L. Mosby/(616) 558-2858

Attorney for amicus curiae National Association of Chain Drug Stores, et al.: Rebecca D’Arcy O’Reilly/(313) 259-7777

Attorney for amicus curiae Small Business Association of Michigan: Rebecca D’Arcy O’Reilly/(313) 259-7777

Attorney for amicus curiae Michigan Pharmacists Association: Morley Witus/(313) 965-9725

Attorney for amicus curiae Michigan Chamber Litigation Center: Matthew T. Nelson/(616) 752-2000

Trial Court: Kent County Circuit Court

Issue: The plaintiffs in these cases seek to sue various pharmacies for allegedly charging prices for generic drugs to make a larger profit than was previously made from the sale of equivalent brand-name drugs. ... [Read more](#)

PEOPLE v SHAVER (case no. 146521)

Court of Appeals case no. 300959

Prosecuting attorney: Gary A. Moore/(616) 632-6710

Attorney for defendant Jason Lee Shaver: Mary A. Owens/(616) 742-0431

Trial Court: Kent County Circuit Court

Issue: The defendant, who was convicted of sexually abusing two children, contends that the trial court erred by not allowing him to present evidence that the children's father had been convicted of child abuse before the children accused the defendant. [... Read more](#)

YONO v DEPARTMENT OF TRANSPORTATION (case no. 146603)

Court of Appeals case no. 308968

Attorney for plaintiff Helen Yono: L. Page Graves/(231) 946-0700

Attorney for defendant Department of Transportation: Justin Gray/(517) 373-1470

Attorney for amicus curiae County of Macomb Department of Roads, the Road Commission for Oakland County, and Wayne County: Carson J. Tucker/(248) 433-1414

Attorney for amicus curiae Michigan County Road Commission Self-Insurance Pool:
William L. Henn/(616) 551-1611

Tribunal: Court of Claims

Issue: A woman fell and was injured while crossing to her car, which was parked on M-22 in Suttons Bay. Are the parking lanes part of the "improved portion of the highway designed for vehicular travel"? Does governmental immunity bar the woman's claim against the Michigan Department of Transportation? [... Read more](#)

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