

STATE OF MICHIGAN
IN THE SUPREME COURT

COVENANT MEDICAL CENTER,

Plaintiff-Appellee

v.

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY, a Michigan insurance
corporation,

Defendant-Appellant.

Supreme Court No. 152758

Court of Appeals No. 322108

Saginaw County Circuit Court
Case No. 13-020416-NF

***AMICUS CURIAE BRIEF OF
HEALTHCALL OF DETROIT, INC.***

CLARK HILL PLC
Jennifer K. Green (P69019)
151 S. Old Woodward Ave, Suite 200
Birmingham, MI 48009
(248) 642-9692 | Fax (248) 642-2174
jgreen@clarkhill.com
Attorney for Amicus Curiae – HealthCall of
Detroit, Inc.

TABLE OF CONTENTS

TABLE OF AUTHORITIES ii
STATEMENT OF QUESTION PRESENTED iii
STATEMENT OF INTEREST OF *AMICUS CURIAE*..... 1
SUMMARY OF ARGUMENT 1
STATEMENT OF FACTS 1
STANDARD OF REVIEW 1
LAW AND ARGUMENT 2

TABLE OF AUTHORITIES

Amicus curiae HealthCall of Detroit, Inc. (“HealthCall”) adopts as its own and concurs in the Table of Authorities set forth in the *amicus curiae* brief filed by the MHA.

STATEMENT OF QUESTION PRESENTED

I. Does a healthcare provider have an independent cause of action against a no-fault insurer for no-fault benefits?

Plaintiff-Appellee Covenant Answers:	Yes.
Defendant-Appellant State Farm Answers:	No.
Amicus Curiae HealthCall Answers:	Yes.
The Court of Appeals Answered:	Yes.
This Court Should Answer:	Yes.

II. Does a healthcare provider constitute “some other person” within the meaning of the second sentence of MCL 500.3112?

Plaintiff-Appellee Covenant Answers:	Yes.
Defendant-Appellant State Farm Answers:	No.
Amicus Curiae HealthCall Answers:	Yes.
The Court of Appeals Answered:	Yes.
This Court Should Answer:	Yes.

III. Is a hearing required by MCL 500.3112?

Plaintiff-Appellee Covenant Answers:	Yes.
Defendant-Appellant State Farm Answers:	No.
Amicus Curiae HealthCall Answers:	No.
The Court of Appeals Answered:	Yes.
This Court Should Answer:	No.

IV. If this Court holds that a provider does not have an independent cause of action, should the Court limit its decision to prospective application only due to the impact its holding would have on thousands of pending cases?

Plaintiff-Appellee Covenant Answers:	Did Not Address.
Defendant-Appellant State Farm Answers:	Did Not Address
Amicus Curiae HealthCall Answers:	Yes.
The Court of Appeals Answered:	Did Not Address.
This Court Should Answer:	Yes.

STATEMENT OF INTEREST OF *AMICUS CURIAE*

Amicus curiae HealthCall is a private duty in-home health care organization that provides medical, therapeutic, and rehabilitative services to catastrophically injured individuals as well as infants, children, and adults with medical disabilities and traumatic brain injuries. HealthCall appears before this Court as a healthcare provider to over 100 injured patients and as an employer of over 400 Michigan residents.

The issues before the Court are of the utmost concern for HealthCall, and it shares the same concerns as the MHA. In particular, HealthCall concurs with the MHA's request that any ruling be given prospective application only, so as to prevent disruption and procedural uncertainty in the thousands of pending cases brought directly by providers. Accordingly, HealthCall adopts in full the legal and policy arguments set forth in the MHA's *amicus curiae* brief and respectfully requests that this Court accept this concurring statement by HealthCall to the MHA's *amicus curiae* brief.

SUMMARY OF ARGUMENT

Amicus curiae HealthCall adopts as its own and concurs in the Summary of Argument set forth in the *amicus curiae* brief filed by the MHA.

STATEMENT OF FACTS

Amicus curiae HealthCall adopts as its own and concurs with the MHA's Statement of Facts set forth in the MHA's *amicus curiae* brief.

STANDARD OF REVIEW

Amicus curiae HealthCall adopts as its own and concurs in the Counter-Statement of Standard of Review set forth in MHA's *amicus curiae* brief.

LAW AND ARGUMENT

Amicus curiae HealthCall adopts as its own and concurs in the Law and Argument section set forth in MHA's *amicus curiae* brief.

Respectfully submitted,

CLARK HILL PLC

By: /s/ Jennifer K. Green

Jennifer K. Green (P69019)

151 S. Old Woodward Ave, Suite 200

Birmingham, MI 48009

(248) 642-9692 | Fax (248) 642-2174

jgreen@clarkhill.com

Attorney for Amicus Curiae — HealthCall of
Detroit, Inc.

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