STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

PERSONAL CARE PRODUCTS, LLC,

Plaintiff,

Case No. 14-138521-CK

v

Hon. Wendy Potts

MARY ANN WEISBERG, et al,

Defendants.

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OPINION AND ORDER RE: PLAINTIFF'S MOTION FOR RECONSIDERATION OF THE COURT'S ORDER GRANTING REJOICE INTERNATIONAL CORP'S MOTION TO QUASH SUBPOENAS

At a session of Court
Held in Pontiac, Michigan
On
JAN 26 2015

Plaintiff Personal Care Products, LLC moves the Court to reconsider its decision quashing subpoenas Personal Care Products served on non-party Rejoice International Corporation. The Court has discretion to grant or deny reconsideration. MCR 2.119(F)(3); *Charbeneau v Wayne County General Hosp*, 158 Mich App 730, 733; 405 NW2d 151 (1987). Reconsideration is warranted if a party identifies a palpable error by which the Court and the parties have been misled and shows that a different disposition must result from correction of that error. MCR 2.119(F)(3).

Personal Care Products asked Rejoice International, a direct competitor, to produce highly sensitive confidential and proprietary information including financial, vendor, and pricing documents and privileged communications with its accountant. The Court concluded that the

subpoena was unreasonable and oppressive and granted Rejoice International's motion to quash. Personal Care Products complains that the Court improperly placed the burden on it to justify its subpoena. However, this is not a matter of either side bearing a burden of proof. A ruling on a motion to quash a subpoena is a matter of discretion, *Thomas M Cooley Law School v Doe*, 300 Mich App 245, 263; 833 NW2d 331 (2013), and the Court properly exercises its discretion by reaching a decision that is not "outside the principled range of outcomes." *Novi v Robert Adell Children's Funded Trust*, 473 Mich 242, 254; 701 NW2d 144 (2005). The Court determined, in its discretion, that Personal Care Products was not entitled to seek confidential, proprietary, or privileged information from a direct competitor who is not alleged to have engaged in any wrongdoing. Personal Care Products has not explained how this decision amounts to an abuse of discretion. The fact that Personal Care Products disagrees with the Court's ruling does not amount to palpable error. *Herald Co v Tax Tribunal*, 258 Mich App 78, 83; 669 NW2d 862 (2003).

Therefore, Plaintiff's motion for reconsideration of the Court's decision quashing the subpoenas is denied.

IT IS SO ORDERED.

Dated: JAN 26 2015

Hon. Wendy Potts