STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

DERMATOLOGY ASSOCIATES, P.C.,

Plaintiff,

v

Case No. 15-146091-CB
Hon. Wendy Potts

LINDA C. CHUNG-HONET, M.D.,

Defendant.
_____/

OPINION AND ORDER RE:
DEFENDANT'S MOTION FOR RECONSIDERATION OF THIS COURT'S JULY 29, 2015 ORDER PURSUANT TO MCR 2.119(F)

At a session of Court
Held in Pontiac, Michigan
On
SEP 25 2015

Defendant Linda Chung-Honet, M.D. moves the Court to reconsider its decision to compel Defendant to produce telephone records. 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).

Defendant's motion raises no new issues or evidence that would warrant reconsideration and merely reasserts her position that the records are subject to physician-patient privilege. Defendant cannot demonstrate grounds for reconsideration by reiterating arguments that were raised and rejected in the Court's decision on the original motion. *Churchman v Rickerson*, 240 Mich App 223, 233; 611 NW2d 333 (2000). The fact that Defendant disagrees with the Court's

reasoning or conclusions does not amount to palpable error. *Herald Co v Tax Tribunal*, 258 Mich App 78, 83; 669 NW2d 862 (2003).

Moreover, there is no merit to Defendant's claim that the telephone records are protected by physician-patient privilege. The privilege protects information "acquired in attending a patient in a professional character, if the information was necessary to enable the person to prescribe for the patient as a physician, or to do any act for the patient as a surgeon." MCL 600.2157. Defendant has not asserted or provided any evidence that she acquired the patient's telephone numbers to attend to them in a professional character or that the telephone numbers were necessary to enable Defendant to prescribe for the patients or do acts for the patients as a surgeon. To the contrary, Defendant claims in an affidavit that she obtained the telephone numbers from a school directory or the internet, and before she began working at her new practice her employee used the numbers to contact patients to let them know that Defendant has a new medical practice. Because the telephone records do not contain privileged information, they are discoverable.

The Court denies Defendant's motion for reconsideration and orders Defendant to produce the telephone records within 7 days.

IT IS SO ORDERED.

Dated: SEP 2 5 2015

Hon. Wendy Potts