



Litigation Practice Group

June 19, 2007

SUPREME COURT HOLDS THAT TRIAL COURT MAY NOT IMPOSE CONDITIONS ON INDEPENDENT MEDICAL EXAMINATIONS

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The Michigan Supreme Court, in the case of *Muci v State Farm Mutual*, reversed the order of the trial court and the Michigan Court of Appeals, which had affirmed the trial court's imposition of conditions on the plaintiff's Independent Medical Examination (IME) in a Personal Protection Insurance (PIP) benefits case.

By way of background, the plaintiff, as a result of injuries received in a motor vehicle accident, began to receive PIP benefits from the defendant. However, the plaintiff filed suit when the defendant stopped making payments. The defendant filed a motion to compel an IME pursuant to MCL 500.3151 of the Michigan No Fault Act and the insurance contract. The trial court ruled that it had the discretion to order a plaintiff IME and to impose conditions upon the conduct of the IME, including allowing the plaintiff attorney to attend and videotape the session.

On appeal, the appellate court ruled that the trial court was correct in precluding the examiner from obtaining an oral medical history not related to the accident, as well as an oral history of the accident, and that the trial court did have the authority to impose conditions on the medical examination. The appellate court rejected the defendant's argument that the statute alone was controlling and ruled that the defendant's motion was a discovery issue. Accordingly, the trial court did not abuse its discretion by placing conditions on the defendant's request for an IME.

The Supreme Court held that in a PIP benefits case, the act and provisions of the parties' insurance policy control whether any conditions may be placed on independent medical examinations. The Supreme Court further held that a trial court's ability to adjudicate disputes arising under the statute and the insurance policy regarding examinations is limited to the authority granted by the No Fault Act itself. The Supreme Court specifically ruled that the trial court relied upon MCR 2.311(A), rather than MCL 500.3159 (No Fault Act), in imposing 19 conditions on the IME the defendant was entitled to conduct under § 3151 of the No Fault Act.

The court held that the only sanctions the court could impose on this IME were those conditions imposed to protect an insured from discovery practices that cause annoyance, embarrassment or oppression, as set forth in the No Fault Act.

This Supreme Court ruling clearly limits a trial court's ability to impose any conditions on a medical examination in a PIP benefits case.

For a complete copy of the Michigan Supreme Court's opinion on *Muci v State Farm Mutual*, [click here](#).