

**QUESTION 14 THE ANSWER TO THIS QUESTION SHOULD GO IN BLUEBOOK V  
OR IN EXAMPLIFY ANSWER SCREEN 14**

Charlotte is one of six employees at a small Michigan start-up company, Data Entry Inc. (DEI). The job of all six employees is to enter sales data by typing sales statistics into DEI computers. After performing such work for a year, Charlotte developed carpal tunnel syndrome (pressure on the median nerve) in her right wrist. The condition causes numbness, tingling, and weakness in the wrist. Charlotte's doctor advised her to stop working at jobs requiring repetitive typing because such activity likely caused her condition and will continue to worsen it. Charlotte consequently advised DEI that she could not return to work there.

After reviewing Charlotte's doctor's report and findings, DEI did not dispute that Charlotte has carpal tunnel syndrome attributable to her DEI work and that she is unable to continue working at DEI given that typing is the predominant requirement of all its jobs. DEI began voluntarily paying Charlotte weekly workers' compensation disability benefits.

After seven months of such payments, DEI began to suspect Charlotte was taking advantage of the situation. As a result, DEI notified Charlotte it would stop its payment of disability benefits and DEI did so. Charlotte promptly consulted a lawyer who filed a formal claim for workers' compensation benefits on her behalf.

In preparation for the upcoming hearing on her claim before a trial magistrate, DEI's attorney sent Charlotte's attorney a set of interrogatories asking Charlotte to describe her education and her skills and work experience besides typing. Charlotte's attorney responded saying Charlotte will not provide the requested information because DEI has no right to such discovery in a workers' compensation proceeding. Charlotte's attorney added, given that DEI had paid Charlotte disability benefits for seven months, it will be DEI's burden to disprove Charlotte's right to ongoing disability benefits at the upcoming hearing.

Before any further proceeding occurred, the parties discussed the possibility of settling (redeeming) Charlotte's case for a lump sum figure and such a resolution appears possible.

Applying Michigan workers' compensation law, answer the following three questions raised by these facts:

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1. Is the information DEI's attorney seeks subject to pretrial discovery in a workers' compensation proceeding? Why or why not?

2. If there is a hearing on Charlotte's claim, which party will have the initial burden of proof on the disability issue? Explain your answer.

3. If the parties do agree to settle (redeem) the case, does the proposed settlement (redemption) need to be approved by the trial magistrate? Why or why not?

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