

**QUESTION 9 THE ANSWER TO THIS QUESTION SHOULD GO IN BLUEBOOK III
OR IN SOFTEST ANSWER SCREEN 9**

On June 1, 2014, Peggy was involved in an automobile accident and injured her back, requiring her to miss work. As required by Michigan law, Peggy's insurer, D-Lux Automobile Insurance Company, paid personal injury protection insurance (PIP) benefits to Peggy until she returned to work on February 18, 2015.

However, Peggy left her job on August 5, 2015, claiming that the back injury she suffered in the automobile accident prevented her from working. Initially, D-Lux resumed payment of PIP benefits, but also sent Peggy to be examined by an orthopedic surgeon. The orthopedic surgeon opined that nothing prevented Peggy from resuming her previous employment. Based on this opinion, D-Lux terminated its payment of PIP benefits on November 19, 2015.

On June 11, 2016, Peggy filed a lawsuit in Kandor County Circuit Court under Michigan's no-fault act, seeking to recover payment of PIP benefits, 12% penalty interest, and attorney fees. Peggy also filed a motion for preliminary injunction, requesting that the court order D-Lux to pay her PIP benefits pending a final determination of her claim. Peggy argues that without the payment of benefits, she will be impoverished and unable to continue her lawsuit. In support of her motion, Peggy supplied an affidavit from her own orthopedic surgeon, who has opined that she is unable to return to work.

D-Lux responds that it should not be required to pay contested benefits because Peggy will likely not be able to reimburse D-Lux if it ultimately prevails. D-Lux further argues that a preliminary injunction would be improper because it would have to provide all of the relief Peggy is seeking without a hearing on the merits, and that Peggy's ability to recover PIP benefits, attorney fees, and interest affords an adequate legal remedy.

Discuss the requirements for obtaining preliminary injunctive relief under Michigan law, and how the court should rule on Peggy's motion in light of those requirements.

*******THE ANSWER TO THIS QUESTION SHOULD GO IN BLUEBOOK III*****
OR IN SOFTEST ANSWER SCREEN 9**