

QUESTION 2 THE ANSWER TO THIS QUESTION SHOULD GO IN BLUEBOOK I

A barefoot Peter Piper picked a peck of pickled peppers, and he subsequently developed rashes on his hands and feet. His nearsighted dermatologist, Doctor Duck, did not have his contact lenses in place that day, and therefore could not see how severe the rashes on Peter's feet were. Instead, he thought all of Peter's rashes were minor and prescribed a cream to heal them. Unfortunately, the rashes on Peter's feet did not heal, but instead quickly turned gangrenous, requiring amputation of his feet.

Peter's attorney, Robert Reedem of Reedem & Weape, filed a notice of intent to file a medical malpractice claim against Duck and complied with all of the procedural requirements of the medical tort reform statute before filing his complaint for medical malpractice in circuit court. Along with service of process and a copy of the complaint, Reedem sent Duck a discovery request including interrogatories and requests for production of documents demanding the following information: (a) Duck's medical files pertaining to his diagnosis and treatment of Peter; (b) Duck's medical files pertaining to his diagnosis and treatment of the other patients he saw on the day he treated Peter; (c) any malpractice insurance agreement covering Duck's medical practice; (d) Duck's net worth, assets, and liabilities; and (e) whether Duck has been a defendant in other medical malpractice complaints.

Duck has retained you as his attorney. Which, if any, of the requested materials are discoverable under Michigan law? Explain your answer.

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