

**QUESTION 3 THE ANSWER TO THIS QUESTION SHOULD GO IN BLUEBOOK I
OR IN SOFTEST ANSWER SCREEN 3**

Barry Peters, a resident of the Donovan Apartments, Inc., was hosting a party. Before the party, Peters leaned onto his apartment balcony in order to hang a banner. The balcony collapsed and Peters fell, suffering catastrophic injuries. Several residents of the apartment complex observed the incident.

Peters hired the PI Firm, which notified Donovan that it represented Peters in connection with the injuries he suffered. In response to PI's notice, Donovan immediately hired the Carlton Firm, to coordinate an investigation into how the accident occurred. Carlton hired Boothe Engineering Company to perform an engineering and accident reconstruction investigation. Carlton also conducted interviews of all of the apartment complex residents. Two of the residents began tours of duty in Afghanistan after being interviewed by Carlton.

Boothe submitted its completed report to Carlton. Carlton then sent Donovan its own report containing its legal analysis concerning the accident, and the Boothe report. Carlton also sent a copy of the Boothe report to Ajax, Donovan's insurance company. After receiving both Carlton's analysis and Boothe's report, Donovan had the balcony rebuilt.

Peters filed suit in the Michigan circuit court against Donovan seeking damages allegedly caused by Donovan's negligence in constructing the balcony. During discovery, Peters learned of 1) Carlton's legal analysis, 2) Carlton's interviews of the apartment complex residents, and 3) Boothe's engineering report, and that it was shared with Ajax. Peters demanded that Donovan provide him with copies of Carlton's legal analysis and interview notes, and Boothe's report. When Donovan refused, Peters filed a motion to compel production of these materials.

Apply the Michigan Rules of Civil Procedure and explain whether the court should or should not grant Peters' motion to compel:

- 1. The copies of Carlton's legal analysis;**
- 2. The copies of Carlton's interview notes;**
- 3. A copy of Boothe's report.**

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