

Order

Michigan Supreme Court
Lansing, Michigan

December 13, 2019

Bridget M. McCormack,
Chief Justice

159107
159124

David F. Viviano,
Chief Justice Pro Tem

Stephen J. Markman
Brian K. Zahra
Richard H. Bernstein
Elizabeth T. Clement
Megan K. Cavanagh,
Justices

KATHLEEN M. GAYDOS, Personal
Representative of the ESTATE OF DIANA
LYKOS VOUTSARAS,
Plaintiff-Appellee,

and

SPIRO VOUTSARAS
Plaintiff,

v

SC: 159107
COA: 340714
Ingham CC: 16-000263-NM

GARY L. BENDER, RICHARD A.
CASCARILLA, LINDSAY NICOLE DANGL,
VINCENT P. SPAGNUOLO, and MURPHY &
SPAGNUOLO PC,
Defendants,

and

KENNETH M. MOGILL and MOGILL, POSNER
& COHEN,
Defendants-Appellants,

and

KERN G. SLUCTER and GANNON GROUP, PC,
Defendants-Appellees.

KATHLEEN M. GAYDOS, Personal
Representative of the ESTATE OF DIANA
LYKOS VOUTSARAS,
Plaintiff-Appellee,

and

SPIRO VOUTSARAS,
Plaintiff,

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GARY L. BENDER, RICHARD A.
CASCARILLA, LINDSAY NICOLE DANGL,
VINCENT P. SPAGNUOLO, and MURPHY &

SPAGNUOLO PC,
 Defendants,
 and

KENNETH M. MOGILL and MOGILL, POSNER
 & COHEN,
 Defendants-Appellees,
 and

KERN G. SLUCTER and GANNON GROUP, PC,
 Defendants-Appellants.

On order of the Court, the applications for leave to appeal the January 3, 2019 judgment of the Court of Appeals are considered. We direct the Clerk to schedule oral argument on the applications for leave to appeal. MCR 7.305(H)(1).

The appellants shall file supplemental briefs within 42 days of the date of this order addressing whether the privilege of witness immunity extends to retained experts sued for professional malpractice. See *Maiden v Rozwood*, 461 Mich 109 (1999). In addition to the brief, the appellants shall electronically file appendices conforming to MCR 7.312(D)(2). In the briefs, citations to the record must provide the appendix page numbers as required by MCR 7.312(B)(1). The plaintiff-appellee shall file a supplemental brief within 21 days of being served with the appellants' briefs. The plaintiff-appellee shall also electronically file an appendix, or in the alternative, stipulate to the use of the appendices filed by the appellants. Replies, if any, must be filed by the appellants within 14 days of being served with the appellee's brief. The parties should not submit mere restatements of their application papers.

The time allowed for oral argument shall be 30 minutes: 15 minutes for appellants, to be divided at their discretion, and 15 minutes for plaintiff-appellee. MCR 7.314(B)(1).

Persons or groups interested in the determination of the issue presented in this case may move the Court for permission to file briefs amicus curiae. Motions for permission to file briefs amicus curiae and briefs amicus curiae regarding these cases should be filed in *Gaydos v Bender*, Docket No. 159107, only and served on the parties in both cases.

CAVANAGH, J., not participating due to a preexisting relationship with a party.



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I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

December 13, 2019

Clerk