

STATE OF MICHIGAN
IN THE CIRCUIT FOR THE COUNTY OF VAN BUREN

DAVID E. MARTIN and INTEGRITY BACK
AND BRAIN, LLC,

Plaintiffs,

v.

PROGRESSIVE MICHIGAN INSURANCE CO.,

Defendant.

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PRELIMINARY INJUNCTION ORDER

PRELIMINARY INJUNCTION ORDER

At a session of said Court held in the
County of Van Buren, State of Michigan
on march 1, 2022.

PRESENT: HONORABLE DAVID J. DISTEFANO
CIRCUIT COURT JUDGE

Plaintiff David Martin filed an emergency motion for preliminary injunction and to compel proper payments under the No-Fault Act, along with supporting documentation and affidavits. A hearing on the motion was held on March 1, 2022. Upon reviewing the motion and supporting documentation, and the Court being otherwise fully advised in the premises, the Court makes the following findings:

The Court finds that David Martin will suffer irreparable harm in the absence of relief by this Court, including irreparable harm to David Martin's health, safety, and overall wellbeing.

The Court finds that David Martin will suffer greater harm in the absence of an injunction than Defendant Progressive would if relief is granted. The Court also finds that preserving the status quo – of David Martin receiving the care he needs and his provider being paid as they were pre-July 2, 2021 – is appropriate to ensure that David Martin is safe.

Plaintiff has established a likelihood of success on the merits, including his claim that Defendant Progressive unlawfully failed to make timely payment of David Martin's benefits under the No-Fault Act and unlawfully reduced the amounts payable to David Martin's home-care provider, Integrity Back and Brain, LLC.


The Court finds that the public interest favors granting relief so as to preserve David Martin's ability to receive care in his home.

Therefore, for the reasons stated above and on the record and the Court being otherwise fully advised in the premises, the Court hereby GRANTS Plaintiff's motion and enters a Preliminary Injunction Order as follows:

- A. Defendant Progressive is ordered to process and pay all of David Martin's home-care provider Integrity Back and Brain, LLC's bills from July 2, 2021 through the end of this litigation at a rate of \$30/hour for the high-tech home care David Martin requires and \$120/hour for nursing care.
- B. Progressive is ordered to process and pay the above amounts for all of Integrity Back and Brain, LLC's bills as to David Martin from July 2, 2021 to the present day within ²¹ ~~seven~~ days. Going forward, Progressive must timely pay the above amounts/rates within 30 days, as required by the Michigan No-Fault Act.
- C. Pursuant to MCR 3.310(C)(4), this Order is binding on the parties to this action, their officers, agents, servants, employees, and attorneys, and on those persons in active concert or participation with them who receive actual notice of the order by personal service or otherwise.
- D. No bond is required, as this Order maintains the status quo, which, before this dispute, was that David Martin received the care and services he required and Progressive paid for those services.
- E. This is not a final order and does not close the case.

SO ORDERED.

3/1/2022


Honorable David J. DiStefano
Circuit Court Judge