

STATE OF MICHIGAN
IN THE TRIAL COURT FOR THE COUNTY OF WASHTENAW
CIVIL DIVISION

MATTHEW GEDDA, as Guardian for
STEPHEN GEDDA,
Plaintiff,

Case No.: 22-152-NF
Hon. Archie C. Brown

v.

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY,
Defendant.

**ORDER GRANTING PLAINTIFF'S EMERGENCY
MOTION FOR PRELIMINARY INJUNCTION**

At a Session of the Court held on

April 20, 2022

Before the Court is Plaintiff's Motion for Preliminary Injunction and to Compel Proper Payments Under the No-Fault Act. An answer/response/objection has been filed. Plaintiff has filed a reply. Pursuant to MCR 2.119(E)(3), the Court dispenses with oral argument on this motion and will decide the matter based upon the written submissions of the parties.

The Court finds Plaintiff's Motion to be persuasive and grants the relief requested, in part. The Court further finds that

1. MCL 500.3157 does not apply retroactively to an injury that occurred in 2011. The legislature's silence as to retroactivity speaks loudly to this Court.
2. The new fee scheduled found under no fault reform is unconstitutional.
3. Plaintiff is eligible for payment or reimbursement per MCL 500.3157(15)(f)
4. The legislature did not intend that high-tech/trained health care providers be paid at the same rate as a teenager working in the fast-food industry.

5. Plaintiff's irreparable harm is not economic, but the irreparable harm is to Plaintiff's health and life. The Court agrees that there can be no injury more irreparable than lasting illness or death. Plaintiff's physical and mental safety outweigh Defendant's possible economic loss.

6. Per MCR 3.310, regarding the four factors to determine if a preliminary injunction should issue, all factors are supported through Plaintiff's argument. Furthermore, factors 1 and 2 weigh heavily in Plaintiff's favor.

IT IS HEREBY ORDERED:

1. Plaintiff's Motion for Preliminary Injunction and to Compel Proper Payments Under the No-Fault Act is GRANTED, in part.

2. Defendant shall process and pay all of Plaintiff's home-care bills from July 2, 2021, until further order of the Court, at a rate of \$29.50/hour for Plaintiff's high-tech care and \$72.50/hour for nursing care.

3. The hearing scheduled for April 20, 2022 is cancelled.

IT IS SO ORDERED.



Hon. Archie C. Brown, Trial Court Judge