

APPELLATE LAW LEGAL ALERT

Order Issued in *Greer v Advantage Health* by Supreme Court

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The Supreme Court has issued an Order in *Greer v Advantage Health* reversing its previous grant of leave. In *Greer*, the Court of Appeals held that a plaintiff could recover economic damages in the amount billed by the health care provider, without reducing that amount to (i) what was actually paid by the patient or insurer or (ii) the amount of an asserted lien. This results in a windfall to plaintiffs. The Supreme Court initially granted leave and even held oral argument. But the Order reversing leave means the Court will not consider the issue at this time. The result is that the Court of Appeals' Opinion currently stands. Three justices wrote separately to advise the Legislature that the statute should be amended to remedy the windfall issue.

Importantly, though, the procedural posture of *Greer* may have caused the Supreme Court to decide that the case was not the best one for it to issue a rule of law. It is possible that the Court will consider the issue in the future if a case with a different procedural posture is presented for its review.

If you would like a copy of the opinion or would like to discuss further, please contact Stephanie Hoffer.



Stephanie Hoffer practices in the areas of appellate litigation, legal malpractice liability defense, and medical malpractice defense, representing a wide range of insurance companies and health care providers in Michigan including hospitals, medical groups, surgeons, physicians, nurses, and other licensed professionals. She can be contacted at shoffer@shrr.com or 616.458.6458.

