

STATE OF MICHIGAN
COURT OF APPEALS

DANIEL LUKE MEIER,

Plaintiff-Appellant,

v

AMANDA MEGAN BERGER and ALLSTATE
PROPERTY AND CASUALTY INSURANCE
COMPANY,

Defendants-Appellees.

UNPUBLISHED
September 27, 2018

No. 336946
Wayne Circuit Court
LC No. 16-006718-NI

Before: CAVANAGH, P.J., and STEPHENS and SWARTZLE, JJ.

STEPHENS, J. (*concurring in part and dissenting in part*).

I write to concur with the majority on all issues except as to the dismissal for failure to provide discovery. I would find that failure to address the *Duray* standards leaves this Court to speculate as to the trial court's reasons to exercise the extraordinary and draconian sanction of dismissal for failure to provide discovery. *Duray Dev, LLC v Perrin*, 288 Mich App 143, 165; 792 NW2d 749 (2010). However, since the complaint was properly dismissed under MCR 2.116(C)(7), that error does not warrant reversal.

/s/ Cynthia Diane Stephens