

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DUSHION DENNIS,

Plaintiff,

vs.

CASE NO. 17-13391

HON. GEORGE CARAM STEEH

ALLSTATE PROPERTY AND
CASUALTY INSURANCE COMPANY,

Defendant.

ORDER GRANTING PETITIONER ZMC PHARMACY, LLC'S
MOTION TO INTERVENE (DOC. 8)

This matter has come before the Court on proposed intervening plaintiff ZMC Pharmacy, LLC's motion to intervene. This action arises out of payment of medical benefits following an automobile accident. The Michigan Assigned Claims Facility assigned plaintiff Dushion Dennis' claim for personal injury protection benefits to defendant Allstate Property and Casualty Insurance Company. On September 22, 2017, Dennis filed the instant civil action to collect unpaid monies in Wayne County Circuit Court. ZMC Pharmacy pleads that it provided pharmaceutical products to Dennis pursuant to the Michigan No-Fault Act and seeks reimbursement for this care. Dennis purportedly concurs in ZMC Pharmacy's motion. Allstate did not respond to ZMC Pharmacy's request for concurrence.

Federal Rule of Civil Procedure 24(a) provides that upon timely application, anyone shall be permitted to intervene in an action if it satisfies the following factors: (1) timeliness of the application to intervene, (2) the applicant's substantial legal interest in the case, (3) the impairment of the applicant's ability to protect that interest in the absence of intervention, and (4) inadequate representation of that interest by parties already before the court. *Michigan State v. Miller*, 103 F.3d 1240, 1245 (6th Cir. 1997).

The Court agrees that ZMC Pharmacy has satisfied the requirements of Rule 24(a) and should be permitted to intervene in this case. The lawsuit is in the early stages of discovery. ZMC Pharmacy has an interest in the payment of benefits and its ability to protect this interest will be impaired if it is not included in the litigation. Finally, although Dennis seeks the same outcome, it may not make all of the prospective intervenor's arguments. *Miller*, 103 F.3d at 1247.

For the reasons stated above, ZMC Pharmacy's motion is GRANTED.

IT IS SO ORDERED.

Dated: February 6, 2018

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on
February 6, 2018, by electronic and/or ordinary mail.

s/Marcia Beauchemin
Deputy Clerk