

STATE OF MICHIGAN
BEFORE THE MICHIGAN JUDICIAL TENURE COMMISSION

Hon. Paul J. Cusick
3rd Circuit Court
Detroit, Michigan 48226

Formal Complaint No. 104

Master: Peter D. Houk

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COMMISSION'S ORDER ON MOTION TO COMPEL PRODUCTION OF
WITNESS STATEMENTS

At its meeting held on April 10, 2023, the Commission considered respondent's motion to compel production of witness statements based on Hon. Peter Houk's referral of the motion to the Commission, for consideration under MCR 9.261.

The Commission has reviewed respondent's motion, disciplinary counsel's response, the transcript of the argument before the Master regarding the motion and the relevant court rules.

There is one document relating to a judge other than respondent that may be relevant to respondent's motion. The confidentiality of the document is provided by MCR 9.261(B). In that regard, the Commission acknowledges that MCR 9.232(A)(1) and MCR 9.261 are in conflict regarding the release of the relevant confidential document in FC 104. The Commission has sought the written consent of the other judge under MCR 9.261(C) to release the document, under seal, in this matter, and that judge has not given that consent.

Considering the information above, and in accordance with MCR 9.232(A), the Commission has concluded that the document should be provided to counsel and the Master and is granting respondent's motion, with the following conditions:

1. The RFI number shall be redacted from the document before it is produced in FC 104;
2. The document shall remain under seal, and will only be released to the Master and all counsel who have appeared in FC 104;

3. The Master and all counsel in FC 104 shall honor the confidentiality of the document and protect it from public view;
4. If the document is used in any way at the hearing in FC 104 (regardless of whether or not it is offered or admitted as an exhibit), the document shall remain under seal and the Master and all counsel in FC 104 shall take all actions necessary to protect the confidentiality of the document.

A handwritten signature in blue ink, appearing to read "Jon Hulsing". The signature is cursive and stylized, with a large initial "J" and "H".

Dated: April 11, 2023

Hon. Jon H. Hulsing (P44682)
Chairperson of the Judicial Tenure Commission