

MICHIGAN COURT OF APPEALS

General Motors, LLC, and General Motors Company v. Alphons Iacobelli, FCA US, LLC, Stellantis, NV, and Jerome Durden; Susanne Iacobelli

General Motors v. Iacobelli · No. Nos. 370051; 371977; 373660 · Decided May 11, 2026

SUMMARY

The Michigan Court of Appeals affirmed discovery and summary-disposition rulings in consolidated appeals arising from General Motors’ civil claims concerning an alleged FCA-UAW bribery and labor-relations conspiracy. The court addressed NLRA preemption, assertion of the Fifth Amendment privilege against self-incrimination, selective waiver, and spousal privilege in deposition and subpoena proceedings. The opinion concluded that Alphons Iacobelli generally could not refuse discovery on the asserted privileges, although a limited risk of perjury prosecution was recognized for certain foreign-bank-account questions before the trial court’s final ruling.

CASE DETAILS

COURT	Michigan Court of Appeals
WRITING FOR THE COURT	Christopher M. Murray, J.; Michael F. Gadola, C.J.; Michael J. Kelly, J.
JURISDICTION	Michigan Court of Appeals
DECIDED	May 11, 2026
DOCKET	Nos. 370051; 371977; 373660
DISPOSITION	affirmed
PROCEDURAL POSTURE	Consolidated interlocutory appeals by Alphons Iacobelli and Susanne Iacobelli from Wayne Circuit Court discovery orders and related rulings in GM's state-law tort action. The Michigan Court of Appeals granted leave to appeal and reviewed the trial court's rulings concerning NLRA preemption, Fifth Amendment self-incrimination, spousal privilege, and production of handwritten notes.
STANDARD OF REVIEW	Subject-matter jurisdiction and summary disposition are reviewed de novo. Whether a privilege exists is reviewed as a mixed question of law and fact; application of law is reviewed de novo, factual findings for clear error, and discovery and privilege rulings for abuse of discretion.

PRECEDENTIAL VALUE	published
PARTIES	Alphons Iacobelli, Susanne Iacobelli v. General Motors, LLC, General Motors Company, FCA US, LLC, Stellantis, NV

TOPICS

subject matter jurisdiction preemption discovery dispute civil procedure appellate procedure

PRACTICE AREAS

civil procedure labor law constitutional law evidence appellate procedure

QUESTIONS PRESENTED

1. Whether GM's state-law fraud, fiduciary-duty, unfair-competition, and civil-conspiracy claims were preempted by the NLRA under *San Diego Building Trades Council v. Garmon*, thereby depriving the Wayne Circuit Court of subject-matter jurisdiction.
2. Whether Iacobelli properly invoked the Fifth Amendment privilege against self-incrimination during his deposition, including whether selective waiver barred particular invocations and whether a real, reasonable danger of prosecution remained.
3. Whether Iacobelli could invoke Michigan's spousal privilege to refuse deposition questions concerning Susanne when Susanne was not a party to the action and the testimony would not be against her legal interests.
4. Whether Susanne's handwritten notes concerning conversations with Iacobelli were protected by Michigan's spousal privilege or by the Fifth Amendment act-of-production doctrine.

HOLDINGS

1. GM's state-law claims were not preempted under *Garmon*, and the Wayne Circuit Court had subject-matter jurisdiction. The claims focused on alleged fraud and intentional torts causing harm to GM as a business, not on violations of employees' rights under NLRA §§ 7 or 8. The local-interest exception would also apply because the claims involved traditional state-law tort interests and presented little realistic threat of interference with the NLRB's regulatory jurisdiction.
2. A witness may invoke the Fifth Amendment in a civil deposition only when the answer could create a real and reasonable danger of future incrimination; remote or speculative possibilities are insufficient. The trial court properly compelled Iacobelli to answer questions for which that danger was absent.
3. A witness who voluntarily testifies about a subject may not invoke the Fifth Amendment to withhold further answers concerning the details of that same subject. Iacobelli selectively waived the privilege regarding subjects such as the Ferrari purchase, communications with Marchionne, and inaccuracies in DeLorenzo's affidavit.
4. Michigan's spousal privilege did not permit Iacobelli to refuse the 20 deposition questions concerning Susanne. The privilege applies to testimony by one spouse for or against the other spouse in the same

civil action or administrative proceeding; Susanne was not a party, and the testimony was not against her legal interests.

5. Susanne's handwritten notes were not protected by Michigan's spousal privilege because producing documents is not an examination of a spouse as a sworn witness. The Fifth Amendment act-of-production doctrine also did not protect the notes because Susanne identified their existence and possession in a privilege log and established no real risk of prosecution.

KEY QUOTATIONS

“When an activity is arguably subject to [§§ 7 or 8] of the [NLRA], the States as well as the federal courts must defer to the exclusive competence of the National Labor Relations Board if the danger of state interference with national policy is to be averted.” (at 12)

“The privilege therefore only applies to “real dangers,” and not to “remote and speculative possibilities.”” (at 17)

“A witness may not pick and choose what aspects of a particular subject to discuss without casting doubt on the trustworthiness of the statements and diminishing the integrity of the factual inquiry.” (at 19)

“The spousal privilege did not apply to Iacobelli’s testimony because the statute applies only to testimony by one spouse “for or against” the nontestifying spouse within the same civil action or administrative proceeding.” (at 21)

FACTUAL BACKGROUND

GM alleged that FCA executives and employees participated in a long-running scheme involving improper payments to UAW officials, corruption of collective bargaining, and efforts to place FCA informants in GM positions. Iacobelli, a former FCA labor-relations executive and NTC director, pleaded guilty in federal court to conspiracy to violate the LMRA and subscribing a false tax return, and later invoked the Fifth Amendment hundreds of times during his deposition in GM's civil action. He also invoked Michigan's spousal privilege concerning questions about his wife, Susanne, while Susanne withheld handwritten notes concerning conversations with Iacobelli.

PROCEDURAL HISTORY

General Motors filed state-law claims in Wayne Circuit Court against FCA, Stellantis, Iacobelli, and others arising from an alleged scheme to corrupt UAW collective bargaining and harm GM. After the trial court allowed an amended complaint, it denied preemption-based dismissal and later entered orders compelling Iacobelli to answer deposition questions and compelling Susanne Iacobelli to produce handwritten notes. The trial court largely adopted a discovery facilitator's recommendations, rejecting most assertions of Fifth Amendment and spousal privilege. The Court of Appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- Forest Hills Coop v Ann Arbor, 305 Mich App 572, 616; 854 NW2d 172 (2014)
- Ass’n of Home Help Care Agencies v Dep’t of Health & Human Servs, 334 Mich App 674, 684; 965 NW2d 707 (2020)
- Henry v Laborers’ Local 1191, 495 Mich 260, 273-290; 848 NW2d 130 (2014)
- Southfield v Shefa, LLC, 340 Mich App 391, 406; 986 NW2d 607 (2022)
- Glacier Northwest, Inc v International Brotherhood of Teamsters Local Union No 174, 598 US 771, 776, 785; 143 S Ct 1404; 216 L Ed 2d 28 (2023)
- Atlantic Richfield Co v Christian, 590 US 1, 15-16; 140 S Ct 1335; 206 L Ed 2d 516 (2020)
- San Diego Building Trades Council v Garmon, 359 US 236, 243-245, 247; 79 S Ct 773; 3 L Ed 2d 775 (1959)
- International Longshoremen’s Ass’n, AFL-CIO v Davis, 476 US 380, 395; 106 S Ct 1904; 90 L Ed 2d 389 (1986)
- Gen Motors, LLC v FCA US, LLC, 44 F4th 548, 551-568 (CA 6, 2022)
- Calabrese v Tendercare of Mich, Inc, 262 Mich App 256, 257, 263-264; 685 NW2d 313 (2004)
- Roberts v Auto Club of Mich, 138 Mich App 488, 494-497; 360 NW2d 224 (1984)
- Trudeau v Fisher Body Div, Gen Motors Corp, 168 Mich App 14, 19; 423 NW2d 592 (1988)
- Farmer v United Brotherhood of Carpenters & Joiners of America, Local 25, 430 US 290, 305; 97 S Ct 1056; 51 L Ed 2d 338 (1977)
- Radcliffe v Rainbow Constr Co, 254 F3d 772, 787 (CA 9, 2001)
- Linn v United Plant Guard Workers, 383 US 53; 86 S Ct 657; 15 L Ed 2d 582 (1966)
- Belknap, Inc v Hale, 463 US 491, 509-511; 103 S Ct 3172; 77 L Ed 2d 798 (1983)
- PCS4LESS, LLC v Stockton, 291 Mich App 672, 677-678; 806 NW2d 353 (2011)
- Hoffman v United States, 341 US 479, 484, 486-488; 71 S Ct 814; 95 L Ed 1118 (1951)
- Huntington Nat’l Bank v Ristich, 292 Mich App 376, 384; 808 NW2d 511 (2011)
- Zicarelli v New Jersey State Comm of Investigation, 406 US 472, 478; 92 S Ct 1670; 32 L Ed 2d 234 (1972)
- In re Morganroth, 718 F2d 161, 166-170 (CA 6, 1983)
- United States v Scruggs, 356 F3d 539, 546 (CA 4, 2004)
- Stogner v California, 539 US 607, 620; 123 S Ct 2446; 156 L Ed 2d 544 (2003)
- Mitchell v United States, 526 US 314, 321-322; 119 S Ct 1307; 143 L Ed 2d 424 (1999)
- In re Flint Water Cases, 53 F4th 176, 202 (CA 6, 2022)
- Centennial Healthcare Mgt Corp v Mich Dep’t of Consumer & Indus Servs, 254 Mich App 275, 284; 657 NW2d 746 (2002)
- People v Stubli, 163 Mich App 376, 379; 413 NW2d 804 (1987)
- People v Fisher, 442 Mich 560, 563, 574-576; 503 NW2d 50 (1993)
- People v Wadkins, 101 Mich App 272, 283; 300 NW2d 542 (1980)
- Parsons v People, 21 Mich 509, 512 (1870)
- People v Upton, 169 Mich 31, 35; 135 NW 108 (1912)

- United States v Burks, 152 US App DC 284, 287-288; 470 F2d 432 (1972)
- United States v George, 444 F2d 310, 313-314 (CA 6, 1971)
- United States v Premises Known As 281 Syosset Woodbury Rd, 71 F3d 1067, 1070-1071 (CA 2, 1995)
- In re Grand Jury, 111 F3d 1083, 1087 (CA 3, 1997)
- In re Grand Jury Matter, 673 F2d 688, 692-693 (CA 3, 1982)
- Haydaw v Farm Bureau Ins Co, 332 Mich App 719, 726 n 5; 957 NW2d 858 (2020)
- Fisher v United States, 425 US 391, 408; 96 S Ct 1569; 48 L Ed 2d 39 (1976)
- United States v Hubbell, 530 US 27, 36-38; 120 S Ct 2037; 147 L Ed 2d 24 (2000)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/michigan-court-of-appeals-michigan-court-of-appeals/2026/general-motors-llc-and-general-motors-company-v-alphons-3ztd5ae0>