

Order

Michigan Supreme Court
Lansing, Michigan

October 2, 2013

Robert P. Young, Jr.,
Chief Justice

ADM File No. 2011-26

Michael F. Cavanagh
Stephen J. Markman

Amendments of Rules 2.403, 2.405,
and 2.625 of the Michigan Court Rules

Mary Beth Kelly
Brian K. Zahra
Bridget M. McCormack
David F. Viviano,
Justices

On order of the Court, notice of the proposed changes and an opportunity for comment in writing and at a public hearing having been provided, and consideration having been given to the comments received, the following amendments of Rules 2.403, 2.405, and 2.625 of the Michigan Court Rules are adopted, effective January 1, 2014.

[The present language is amended as indicated below by underlining for new text and strikeover for text that has been deleted.]

Rule 2.403 Case Evaluation

(A)-(N)[Unchanged.]

(O) Rejecting Party's Liability for Costs

(1)-(7)[Unchanged.]

(8) A request for costs under this subrule must be filed and served within 28 days after the entry of the judgment or entry of an order denying a timely motion

(i) for a new trial, ~~or~~

(ii) to set aside the judgment, or

(iii) for rehearing or reconsideration.

(9)-(11)[Unchanged.]

Rule 2.405 Offers to Stipulate to Entry of Judgment

(A)-(C)[Unchanged.]

(D) Imposition of Costs Following Rejection of Offer. If an offer is rejected, costs are payable as follows:

(1)-(5)[Unchanged.]

(6) A request for costs under this subrule must be filed and served within 28 days after the entry of the judgment or entry of an order denying a timely motion

(i) for a new trial, ~~or~~

(ii) to set aside the judgment, or

(iii) for rehearing or reconsideration.

(E) [Unchanged.]

Rule 2.625 Taxation of Costs

(A)-(E)[Unchanged.]

(F) Procedure for Taxing Costs.

(1) [Unchanged.]

(2) When costs are to be taxed by the clerk, the party entitled to costs must present to the clerk, within 28 days after the judgment is signed, or within 28 days after entry of an order denying a motion for new trial, a motion to set aside the judgment, a motion for rehearing or reconsideration, or a motion for other postjudgment relief except a motion under MCR 2.612(C),

(a)-(c) [Unchanged.]

(3)-(4)[Unchanged.]

(G)-(J)[Unchanged.]

Staff Comment: The amendments of MCR 2.403(O)(8), MCR 2.405(D)(6), and MCR 2.625(F)(2) add language that references a motion for rehearing or reconsideration (consistent with the Court of Appeals opinion in *MEEMIC Ins Co v DTE Energy Co*, 292 Mich App 278 [2011]) to the list of motions that toll the period of time in which a party

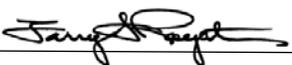
may file a request for case-evaluation sanctions.

The staff comment is not an authoritative construction by the Court.



I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

October 2, 2013


Clerk