

Order

Michigan Supreme Court
Lansing, Michigan

October 2, 2013

Robert P. Young, Jr.,
Chief Justice

ADM File No. 2013-20

Michael F. Cavanagh
Stephen J. Markman

Amendment of Rule 2.305
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 amendment of MCR 2.305 is 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 2.305 Subpoena for Taking Deposition

(A)-(D) [Unchanged.]

(E) ~~Action Pending in Another State, Territory, or Country.~~ An officer or a person authorized by the laws of another ~~state, territory, or country~~ to take a deposition in Michigan, with or without a commission, in an action pending in a court of that ~~state, territory, or country~~ may ~~petition~~ submit an application to a court of record in the county in which the deponent resides, is employed, transacts business in person, or is found, for a subpoena to compel the deponent to give testimony. The court may hear and act on the ~~petition~~ application with or without notice, as the court directs.

(F) Action Pending in Another State or Territory. A person may request issuance of a subpoena in this state for an action pending in another state or territory under the Uniform Interstate Depositions and Discovery Act, MCL 600.2201 et seq., to require a person to attend a deposition, to produce and permit inspection and copying of materials, or to permit inspection of premises under the control of the person.

Staff Comment: The changes of MCR 2.305 make subrule (E) applicable only to actions pending in another country, while new subrule (F) cross references the Uniform

Interstate Depositions and Discovery Act, which establishes the procedures to be used in seeking a deposition or discovery subpoena in Michigan for use in an action that is pending in another state or territory.

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