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**Via Email: MSC\_clerk@courts.mi.gov**

Michigan Supreme Court  
Clerk's Office  
P.O. Box 30052  
Lansing, MI 48909

RE: Proposed Amendments of Michigan Court Rule 2.621 and 2.622

To the Clerk of the Court:

I am writing regarding the proposed change to MCR 2.622(C)(1), which would require a court to ". . . defer to the petitioner's nomination of receiver, except for good cause shown". In my opinion the proposed court rule intrudes on a trial judge's exercise of discretion and places too great an emphasis on the moving party's nomination of a receiver. The appointment of a receiver is an extraordinary remedy, which gives substantial authority to that person. It has been recognized in Michigan law that a receiver is an independent officer of the court protecting the rights of all persons interested in the subject matter of the receivership estate. *State Treasurer v. Abbott*, 468 Mich 143, n. 10 (2003).

In my view, a court should appoint a person the court believes has the integrity, ability, and independence to perform a function as a "officer of the court". The Judge appointing has a great deal of interest in ensuring that this important position is filled by someone with whom the court has complete trust and confidence. The specific proposed court rule will bog down proceedings substantially by parties arguing over the various criteria as deemed appropriate by the Judge and could spawn more litigation thus perhaps further eroding the value of any possible receivership asset in the process.

As an attorney who has been appointed as an independent receiver in numerous cases and who has spoken with numerous judges about this proposed change in the court rule, I believe while the rule is well meaning, it is flawed and neither party should be given a "leg up" by in essence forcing a judge to select a particular person or entity.

Thus, I oppose the proposed amendment. I appreciate you listening to my comments and I look forward to further discussion of this matter raised at the upcoming administrative public hearing.

Respectfully submitted,



Thomas J. Ryan