

Order

Michigan Supreme Court
Lansing, Michigan

February 6, 2013

Robert P. Young, Jr.,
Chief Justice

ADM File No. 2012-36

Michael F. Cavanagh
Stephen J. Markman

Proposed Amendment of
Rule 2.112 of the Michigan
Court Rules

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

On order of the Court, this is to advise that the Court is considering an amendment of Rule 2.112 of the Michigan Court Rules. Before determining whether the proposal should be adopted, changed before adoption, or rejected, this notice is given to afford interested persons the opportunity to comment on the form or the merits of the proposal or to suggest alternatives. The Court welcomes the views of all. This matter also will be considered at a public hearing. The notices and agendas for public hearings are posted at <http://www.courts.mi.gov/courts/michigansupremecourt/rules/pages/public-administrative-hearings.aspx>.

Publication of this proposal does not mean that the Court will issue an order on the subject, nor does it imply probable adoption of the proposal in its present form.

[Additions to the text are indicated in underlining and deleted text is shown by strikeover.]

Rule 2.112 Pleading Special Matters

(A-N) [Unchanged.]

(O) Business and Commercial Disputes.

- (1) If a case involves a business or commercial dispute as defined in MCL 600.8031 and the court maintains a business court docket, a party shall file written notice with the party's initial pleading that the case meets the statutory requirements to be assigned to the business court. If a cross-claim, counterclaim, third-party complaint, amendment, or any other modification of the action includes a business or commercial dispute, a party shall file written notice with the party's pleading that the case meets the statutory requirements to be assigned to the business court.

- (2) If a case does not initially include a business or commercial dispute but subsequently includes such a claim and a party failed to submit written notice or a party fails to submit written notice as required in subsection (1), a party shall file a motion for determination by the court that the case is eligible for assignment to the business court.
- (3) If the court determines that the action meets the statutory requirements of MCL 600.8031, the court shall assign the case to the business court.
- (4) A party may file a motion requesting the chief judge to review the court's determination under subsection 3.

Staff Comment: The proposed rule amendments of MCR 2.112 would provide a means to identify business court cases and the placement of those matters on the business court docket.

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

A copy of this order will be given to the Secretary of the State Bar and to the State Court Administrator so that they can make the notifications specified in MCR 1.201. Comments on the proposal may be sent to the Supreme Court Clerk in writing or electronically by May 1, 2013, at P.O. Box 30052, Lansing, MI 48909, or MSC_clerk@courts.mi.gov. When filing a comment, please refer to ADM File No. 2012-36. Your comments and the comments of others will be posted under the chapter affected by this proposal at <http://courts.mi.gov/courts/michigansupremecourt/rules/court-rules-admin-matters/pages/chapter-2-civil-procedures.aspx>.



I, Corbin R. Davis, 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.

February 6, 2013

Corbin R. Davis

Clerk