

Order

Michigan Supreme Court
Lansing, Michigan

September 21, 2016

Robert P. Young, Jr.,
Chief Justice

ADM File No. 2014-29

Stephen J. Markman

Brian K. Zahra

Proposed Amendment of
Rule 2.602 of the
Michigan Court Rules

Bridget M. McCormack

David F. Viviano

Richard H. Bernstein

Joan L. Larsen,
Justices

On order of the Court, this is to advise that the Court is considering an amendment of Rule 2.602 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 [Administrative Matters & Court Rules page](#).

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 2.602 Entry of Judgments and Orders

- (A) [Unchanged.]
- (B) Procedure of Entry of Judgments and Orders. An order or judgment shall be entered by one of the following methods:
- (1)-(4)[Unchanged.]
- (5) Upon presentation to the court of a proposed judgment that is otherwise lawful, signed, and approved by the parties bound by the judgment or their counsel of record, and if an action is pending between those parties or was pending previously.
- (a) If so provided in the proposed judgment, no notice to the opposing party of submission for entry is required, and

submission of the judgment to the court for entry shall serve to reopen the prior case if closed.

- (b) If the proposed judgment does not provide for entry without prior notice to the debtor, the submitting party must file a motion and give notice to the debtor under MCR 2.107(C) at least 14 days before the date of the motion hearing. The presenting party shall file and serve a notice of hearing for entry of the proposed judgment. If the debtor does not file and serve specific objections within that time, the court shall enter the judgment.
- (c) The proposed judgment must be accompanied by an affidavit of the submitting party or its counsel averring as to the basis for entry of the judgment.
- (d) Service of the entered judgment shall be as provided for in the judgment or else in accordance with MCR 2.602(D) and the manner prescribed in MCR 2.105. Within 21 days of service, the judgment debtor may file a motion to challenge the propriety of the entry of the judgment or the calculation of the judgment amount. The motion must be heard within 14 days of filing. The filing of such a motion does not extend the stay of MCR 2.614(A)(1) or prevent the court from enjoining the transfer of assets under MCR 2.621(C). The court may modify or set aside the judgment or enter such other relief as it deems appropriate.

(C)-(D) [Unchanged.]

Staff Comment: The proposed amendments of MCR 2.602(B) would provide procedural rules regarding entry of consent judgments. This language was submitted by the Representative Assembly of the State Bar of Michigan.

The staff comment is not an authoritative construction by the Court. In addition, adoption of a new rule or amendment in no way reflects a substantive determination by this 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 Office of Administrative Counsel in writing or electronically by January 1, 2017, at P.O. Box 30052, Lansing, MI 48909, or ADMcomment@courts.mi.gov. When filing a comment, please refer to ADM File No. 2014-29. Your comments and the comments of others will be posted under the chapter affected by this proposal at [Proposed & Recently Adopted Orders on Admin Matters page](#).



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.

September 21, 2016


Clerk