

# Order

Michigan Supreme Court  
Lansing, Michigan

March 20, 2013

Robert P. Young, Jr.,  
Chief Justice

ADM File No. 2011-26

Michael F. Cavanagh  
Stephen J. Markman

Proposed Amendment of  
Rule 2.403 of the  
Michigan Court Rules

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

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On order of the Court, this is to advise that the Court is considering an amendment of Rule 2.403 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 2.403 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

(i) denying a timely motion for a new trial, ~~or~~

(ii) to set aside the judgment,

(iii) for rehearing or reconsideration, or

(iv) for other postjudgment relief.

(9)-(11)[Unchanged.]

*Staff Comment:* The proposed amendment of MCR 2.403(O)(8) would add a reference to 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]), as well as a reference to other postjudgment motions to 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.

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 July 1, 2013, at P.O. Box 30052, Lansing, MI 48909, or [MSC\\_clerk@courts.mi.gov](mailto:MSC_clerk@courts.mi.gov). When filing a comment, please refer to ADM File No. 2011-26. 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.

March 20, 2013

*Corbin R. Davis*

Clerk