

Order

Michigan Supreme Court
Lansing, Michigan

January 20, 2009

Marilyn Kelly,
Chief Justice

ADM File No. 2007-41

Michael F. Cavanagh
Elizabeth A. Weaver
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman
Diane M. Hathaway,
Justices

Amendments of Rules
2.112 and 2.403 of the
Michigan Court Rules

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 amendments of Rules 2.112 and 2.403 of the Michigan Court Rules are adopted, effective May 1, 2009.

[Additions are indicated by underlining and deletions are indicated by strikeover.]

Rule 2.112 Pleading Special Matters

(A)-(J)[Unchanged.]

(K) Fault of Nonparties; Notice.

- (1) Applicability. This ~~subrule~~rule applies to actions based on tort or another legal theory seeking damages for personal injury, property damage, ~~and~~ wrongful death to which MCL 600.2957 and MCL 600.6304, as amended by 1995 PA 249, apply.

(2)-(4)[Unchanged.]

(L)-(M)[Unchanged.]

Rule 2.403 Case Evaluation

(A)-(N)[Unchanged.]

(O) Rejecting Party's Liability for Costs.

(1)-(9)[Unchanged.]

(10) ~~In an action filed on or after March 28, 1996, for~~For the purpose of subrule (O)(1), in an action filed on or after March 28, 1996, and a verdict awarding damages for based on tort or another legal theory seeking damages for personal injury, property damage, or wrongful death, a verdict awarding damages shall be adjusted for relative fault as provided by MCL 600.6304.

(11) [Unchanged.]

Staff Comment: The amendment of MCR 2.112 clarifies that the subrule provisions apply to actions based on tort or another legal theory seeking damages for personal injury, property damage, or wrongful death to which MCL 600.2957 and MCL 600.6304 apply, and more closely parallels the statutory provisions on which it is based. A similar change has been made in MCR 2.403(O)(10), which was also based on MCL 600.6304.

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



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.

January 20, 2009

Corbin R. Davis

Clerk