

Order

Michigan Supreme Court
Lansing, Michigan

March 27, 2024

Elizabeth T. Clement,
Chief Justice

ADM File No. 2022-33

Brian K. Zahra
David F. Viviano
Richard H. Bernstein
Megan K. Cavanagh
Elizabeth M. Welch
Kyra H. Bolden,
Justices

Amendment of Rule
4.303 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 amendment of Rule 4.303 of the Michigan Court Rules is adopted, effective May 1, 2024.

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

Rule 4.303 Notice

(A)-(C) [Unchanged.]

(D) Dismissal for Lack of Progress.

- (1) On motion of a party or on its own initiative, the court may order that a case in which no progress has been made within 91 days after the last action be dismissed for lack of progress.
- (2) The court must serve notice of the proposed dismissal on the parties at least 14 days before the court orders the case dismissed.
- (3) A dismissal under this subrule is without prejudice unless the court orders otherwise.

Staff Comment (ADM File No. 2022-33): The amendment of MCR 4.303 adds a new subrule (D) to allow courts to dismiss, without prejudice, small claims cases for lack of progress 91 days after the last action and after serving notice of the proposed dismissal.

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.



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.

March 27, 2024

A handwritten signature in black ink, appearing to read "Larry S. Royster", is written over a horizontal line.

Clerk