

Order

Michigan Supreme Court
Lansing, Michigan

April 16, 2026

Megan K. Cavanagh,
Chief Justice

ADM File No. 2024-34

Brian K. Zahra
Richard H. Bernstein
Elizabeth M. Welch
Kyra H. Bolden
Kimberly A. Thomas
Noah P. Hood,
Justices

Proposed Amendment of
Rule 7.316 of the Michigan
Court Rules

On order of the Court, this is to advise that the Court is considering an amendment of Rule 7.316 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 will also be considered at a public hearing. The notices and agendas for each public hearing are posted on the [Public Administrative Hearings](#) 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 7.316 Miscellaneous Relief

(A) [Unchanged.]

(B) Allowing Act After Expiration of Time.

(1) When, under the practice relating to appeals or stay of proceedings, a nonjurisdictional act is required to be done within a designated time, the Court may at any time, on motion and notice, permit it to be done after the expiration of the period on a showing that there was good cause for the delay or that it was not due to the culpable negligence of the party or attorney. The Court will not accept for filing a motion to file ~~a late application for leave to appeal under MCR 7.305(C), a late application for leave to cross appeal under MCR 7.307(A),~~ a late motion for rehearing under MCR 7.311(F), or a late motion for reconsideration under MCR 7.311(G).

(2) A party may file a motion requesting to file a delayed application for leave to appeal under MCR 7.305(C) or a delayed application for leave to cross appeal under MCR 7.307(A) only as provided in this subrule.

- (a) The motion must identify an exceptional circumstance existing on the date that the application is or would have been due under MCR 7.305 or MCR 7.307. For purposes of this subrule, “exceptional circumstance” means a serious or disabling illness or injury of the party or the party’s attorney, death of the party’s or their attorney’s immediate family member, an act of God, state or national emergency, or other circumstance of similar unavoidable nature.
- (b) The motion must be filed no later than seven days after the date that a timely application would have been due. The Court will not accept for filing a late motion to file a delayed application.
- (c) The motion may request a new deadline for filing the application. The requested deadline must be reasonable under the circumstances. The Court has discretion to establish any deadline it deems appropriate.
- (d) The party filing the motion must serve a copy of the motion on all other parties and file proof of service with the Court.

(C)-(D) [Unchanged.]

Staff Comment (ADM File No. 2024-34): The proposed amendment of MCR 7.316 would allow the Court to accept late applications for leave to appeal or cross-appeal in limited circumstances.

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 submitted by August 1, 2026 by clicking on the “Comment on this Proposal” link under this proposal on the [Court’s Proposed & Adopted Orders on Administrative Matters](#) page. You may also submit a comment in writing at P.O. Box 30052, Lansing, MI 48909 or via email at ADMcomment@courts.mi.gov. When submitting a comment, please refer to ADM File No. 2024-34. Your comments and the comments of others will be posted under the chapter affected by this proposal.



I, Elizabeth Kingston-Miller, 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.

April 16, 2026

Elizabeth Kingston-Miller

Clerk