

Order

Michigan Supreme Court
Lansing, Michigan

April 16, 2026

Megan K. Cavanagh,
Chief Justice

ADM File No. 2026-10

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

Addition of Rule 2.114 and
Amendment of Rule 7.209
of the Michigan Court Rules

On order of the Court, the following addition of Rule 2.114 and amendment of Rule 7.209 of the Michigan Court Rules are adopted, effective immediately. Concurrently, individuals are invited to comment on the form or the merits of the amendment during the usual comment period. 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.

Immediate adoption of this proposal does not necessarily mean that the Court will retain the amendment in its present form following the public comment period.

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

[New] Rule 2.114 Special Motions Under the Uniform Public Expression Protection Act

- (A) Applicability. This rule applies to eligible causes of action under the Uniform Public Expression Protection Act, MCL 691.1853 *et seq.*
- (B) Special Motion.
 - (1) Except as otherwise provided in this rule, a special motion must comply with the requirements of MCR 2.119 and must also include a statement that the motion is a special motion being filed pursuant to MCL 691.1853 *et seq.* and state the basis for the motion under MCL 691.1857.
 - (2) A special motion for expedited relief to dismiss an action or part of an action must be filed not later than 60 days after the party filing the motion is served with a complaint, cross-claim, counterclaim, third-party claim, or other pleading that asserts an eligible cause of action. The filing timeframe may be extended by the court for good cause shown.
- (C) Stay of Proceedings.

- (1) Upon filing a special motion, all proceedings between the moving party and the responding party, including discovery and any pending hearings or motions, are stayed.
 - (2) Upon motion by the moving party, the court may stay a hearing or motion involving another party, or discovery by another party, if the hearing or ruling on the motion would adjudicate, or the discovery would relate to, an issue material to the special motion.
 - (3) A stay under subrules (C)(1) or (C)(2) remain in effect until entry of an order ruling on the special motion and expiration of the time under subrule (E) for the moving party to appeal the order.
 - (4) If a party appeals an order deciding the special motion, all proceedings between all parties in the action are stayed until the conclusion of the appeal. Stay on appeal is governed by MCR 7.209 and 7.305(J).
 - (5) During the stay, the court may allow limited discovery if a party shows that specific information is necessary to establish whether the party has satisfied or failed to satisfy a burden under MCL 691.1857(1) and the information is not reasonably available unless discovery is allowed.
 - (6) The stay does not affect a party's ability to voluntarily dismiss an action or part of an action, or move to sever a cause of action.
- (D) Hearing.
- (1) The court must hold a hearing on the special motion not later than 60 days after the motion is filed unless the court orders a later hearing date to accommodate limited discovery under subrule (C)(5) or for other good cause. If the court orders a later hearing date to accommodate limited discovery, the hearing must occur not later than 60 days after the court ordered the limited discovery, unless the court orders a later hearing for good cause shown.
 - (2) In ruling on a special motion, the court must consider the pleadings, the motion, and any reply or response to the motion, affidavits, depositions, admissions, or other documentary evidence.
 - (3) The court must rule on a special motion not later than 60 days after the hearing. The court must dismiss with prejudice an action, or part of an action, if the court finds the following:
 - (a) The moving party establishes the cause of action is an eligible cause of action under MCL 691.1852(1)(d); and

- (b) The responding party fails to establish that the cause of action is not an eligible cause of action under MCL 691.1852(2); and
- (c) Any of the following:
 - (i) The responding party fails to establish a prima facie case as to each essential element of the cause of action.
 - (ii) The moving party establishes that the responding party failed to state a cause of action on which relief can be granted.
 - (iii) The moving party establishes that there is no genuine issue as to any material fact and the moving party is entitled to judgment as a matter of law on the action or part of the action.
- (E) Appeal. The moving party may appeal as a matter of right from an order denying or granting, in whole or in part, a special motion. The appeal must be filed in accordance with MCR 7.204.
- (F) Costs, Fees, and Expenses.
 - (1) Upon motion, the court must award court costs, reasonable attorney fees, and reasonable litigation expenses related to the special motion as follows:
 - (a) To the moving party if the moving party prevails on the motion. A voluntary dismissal with prejudice of the responding party's action, or part of an action, that is the subject of a special motion under this rule establishes that the moving party has prevailed for the purpose of this subrule.
 - (b) To the responding party if the responding party prevails on the motion and the court finds that the motion was frivolous or filed solely with intent to delay the proceeding.
 - (2) A voluntary dismissal without prejudice of a responding party's action, or part of an action, that is subject of a special motion under this rule does not affect a moving party's right to obtain a ruling on the motion or to seek costs, attorney fees, or expenses under this subrule.
 - (3) A motion for court costs, reasonable attorney fees, and reasonable litigation expenses is not subject to a stay under this rule.

Rule 7.209 Bond; Stay of Proceedings

(A)-(D) [Unchanged.]

(E) Stay of Proceeding by Trial Court.

(1)-(7) [Unchanged.]

(8) If a party appeals an order ruling on a special motion to expedited judicial review under MCL 691.1853, all proceedings between all parties in the action are stayed until the conclusion of the appeal. The stay does not apply to a motion under MCL 691.1860 for costs, attorney fees, and expenses, nor does it affect a party's ability to voluntarily dismiss an action or part of an action or to file a motion to sever the proceeding.

(F)-(I) [Unchanged.]

Staff Comment (ADM File No. 2026-10): The addition of MCR 2.114 provides a process for special motions under the Uniform Public Expression Protection Act (MCL 691.1853 *et seq.*), and the amendment of MCR 7.209 clarifies the availability and applicability of the stay during an appeal as contemplated by this new Act.

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. 2026-10. 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