



Michigan Supreme Court

State Court Administrative Office

Trial Court Services Division

Michigan Hall of Justice

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Jennifer Warner
Director

MEMORANDUM

DATE: April 4, 2013

TO: Chief Circuit Judges
Chief District Judges
Court Administrators
cc: County Clerks

FROM: Jim Inloes, Management Analyst

RE: [2012 PA 362](#) – Uniform Interstate Depositions and Discovery Act

Effective April 1, 2013, [2012 PA 362](#) amends the Revised Judicature Act and incorporates the Uniform Interstate Depositions and Discovery Act at MCL 600.2201 *et seq.* This act establishes the process for requesting issuance of a discovery subpoena in Michigan for a case pending in another state. The request for a subpoena does not create a new case, so no case-type code should be assigned and no filing fee should be collected.

The key provisions in the public act include:

- Requests for subpoenas under this act must be made in the circuit court in the county in which discovery is sought to be conducted. Discovery may be sought in a county where a person lives, works, transacts business, or is found.
- When a party submits an out-of-state subpoena to the clerk of the Michigan circuit court, the clerk must promptly issue a subpoena to be served on the person who is the subject of the foreign subpoena. The court's general procedures for requesting and issuing subpoenas should be followed.
- The Michigan subpoena must incorporate the terms of the out-of-state subpoena, and must contain the names, addresses, and telephone numbers of all counsel of record and any party not represented by counsel.
- A motion requesting a protective order or an order to enforce, quash, or modify a subpoena issued under 2012 PA 362 must be filed in accordance with the Michigan Court Rules. The party filing the motion must pay a motion fee under MCL 600.2529 and MCR 2.119(G).
- 2012 PA 362 is effective for any case pending on April 1, 2013.

2012 PA 362
April 4, 2013

Subpoenas issued under this act can be maintained in a group file under [Component 18 \(Group Files\) of the Michigan Trial Court Case File Management Standards](#). If you have questions, please contact Stephanie Beyersdorf or Jim Inloes at TrialCourtServices@courts.mi.gov.