

From: [Philip Porter](#)
To: [ADMcomment](#)
Subject: Comments on proposed amendments to Michigan Court Rule 4.201 – ADM File No. 2020-08
Date: Monday, October 31, 2022 9:54:11 AM

Please accept these comments **in opposition** to the proposed amendments to Michigan Court Rule 4.201 – ADM File No. 2020-08. **Procedures utilized to address a once-in-a-hundred-years pandemic should not be made permanent.** COVID-19 was a unique situation and required extraordinary measures. To make permanent the rules of justice designed to assist a public health crisis is neither appropriate nor does it further fair and efficient administration of justice.

Rule 4.201 (B)(3)(c): A required affirmation of compliance with local and state health and safety laws in this rule **conflicts with MCL 125.530.**

Rule 4.201 (G)(4): Non-Payment of Rent cases rarely go to a jury trial, so the proposed allowance for a defendant to wait until two days prior to the trial date to demand a jury trial will only provide for unnecessary delaying tactics and place a significant administrative burden on district courts.

Rule 4.201 (G)(5)(a) and (b): The proposal to require personal service of process before a default judgement can be entered will further delay the court process. When you consider a defendant has already been provided with a written notice from the property owner, and the court has mailed the defendant a notice to appear, **this proposal is completely unnecessary and does not advance the goal of ensuring**

the parties proper review of their claims.

Rule 4.201 (G)(5)(d): The proposed rule change to require adjournment of the trial for at least 7 days infringes upon state law – specifically MCL [600.5735](#)(2) – which requires landlord-tenant cases be set for trial no more than 10 days after summons.

Rule 4.201: The current proposal treats termination of tenancy cases the same as non-payment of rent cases. This change would further delay court proceedings and add an administrative burden to already overburdened court administrative staff. **Michigan Law separates these two types of cases for good reason and court rules should not attempt to change that.**

Rule 4.201 (I)(3): The addition of a 30-day stay of proceedings related to rental assistance application is simply unconstitutional. State law provides for recovery of possession due to non-payment, and this requirement intrudes upon that pathway.

Thank you for your consideration of these comments.

Respectfully Submitted,

Philip B Porter