STATE OF MICHIGAN

COURT OF APPEALS

VELOCITY MRS FUND IV,

Plaintiff-Appellee,

v

NEXTGEN PAIN ASSOCIATES & REHABILITATION,

Defendant,

and

AUTO-OWNERS INSURANCE COMPANY,

Garnishee Defendant-Appellant.

FOR PUBLICATION
March 16, 2023

No. 358712
Oakland Circuit Court
LC No. 2020-181857-CZ

Before: CAVANAGH, P.J., SERVITTO and GARRETT, JJ.

SERVITTO, J. (*concurring*).

I agree with the result reached by the majority. I write separately merely to point out that the staff comment to the 1994 amendment to MCR 3.101 lends further support to the majority

position. That comment states, "The defendant has 14 days after being served to file objections."[1] "The" is a definite article contemplating a singular noun or subject. See, *Robinson v City of Detroit*, 462 Mich 439, 462; 613 NW2d 307 (2000) ("[R]ecognizing that 'the' is a definite article, and 'cause' is a singular noun, it is clear that the phrase 'the proximate cause' contemplates *one* cause.). Thus, the staff comment reinforces the conclusion that only *the* defendant, rather than *a* garnishee defendant is permitted to file an objection to a writ of garnishment.

/s/ Deborah A. Servitto

[1] While staff comments to the court rules are not binding authority, "they can be persuasive in understanding the proper scope or interpretation of a rule or its terms." *People v Comer*, 500 Mich 278, 298 n 48; 901 NW2d 553 (2017).