Order

Michigan Supreme Court
Lansing, Michigan

Megan K. Cavanagh,
Chief Justice

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

November 18, 2026

ADM File No. 2024-34

Amendment of Rule 7.316 of the Michigan Court Rules

On order of the Court, notice of the proposed changes and an opportunity for comment in writing and at a public hearing having been provided, and consideration having been given to the comments received, the following amendment of Rule 7.316 of the Michigan Court Rules is adopted, effective January 1, 2027.

[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 amendment of MCR 7.316 allows 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.

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.

November 18, 2026

Clerk