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. 2026-10

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

Additional Amendments of Rules 2.114 and 7.209 of the Michigan Court Rules

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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 Court retains the addition of Rule 2.114 and amendment of Rule 7.209 adopted in its order dated April 16, 2026, and effective immediately, Rules 2.114 and 7.209 are amended further as indicated below.

[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 691.1851~~3~~ *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) [Unchanged.]

(C)-(D) [Unchanged.]

(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. Nothing in this subrule prevents a party from filing a claim of appeal to which the party is otherwise entitled under another rule or statute.

(F) [Unchanged.]

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 expedite~~d~~ 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 amendments of MCR 2.114 and 7.209 correct minor typos present in the initial proposal and clarify the availability of claims of appeal in cases involving special motions under the Uniform Public Expression Protection Act, MCL 691.1851 *et seq*.

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