

# Order

Michigan Supreme Court  
Lansing, Michigan

September 23, 2008

Clifford W. Taylor,  
Chief Justice

ADM File No. 2007-41

Michael F. Cavanagh  
Elizabeth A. Weaver  
Marilyn Kelly  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman,  
Justices

Proposed Amendment of  
Rule 2.112 of the  
Michigan Court Rules

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On order of the Court, this is to advise that the Court is considering an amendment of Rule 2.112 of the Michigan Court Rules. Before determining whether the proposal should be adopted, changed before adoption, or rejected, this notice is given to afford interested persons the opportunity to comment on the form or the merits of the proposal or to suggest alternatives. The Court welcomes the views of all. This matter also will be considered at a public hearing. The notices and agendas for public hearings are posted at [www.courts.michigan.gov/supremecourt](http://www.courts.michigan.gov/supremecourt).

Publication of this proposal does not mean that the Court will issue an order on the subject, nor does it imply probable adoption of the proposal in its present form.

[Additions are indicated by underlining and deletions are indicated by strikeover.]

Rule 2.112 Pleading Special Matters

(A)-(J)[Unchanged.]

(K) Fault of Nonparties; Notice.

- (1) Applicability. This rule applies to actions based on tort or another legal theory seeking damages for personal injury, property damage, ~~and~~ wrongful death to which MCL 600.2957 and MCL 600.6304, as amended by 1995 PA 249, apply.

(2)-(4)[Unchanged.]

(L)-(M) [Unchanged.]

Staff Comment: The proposed amendment of MCR 2.112 would clarify that the comparative negligence provisions apply to actions based on tort or another legal theory seeking damages for personal injury, property damage, or wrongful death. This language would more closely parallel the statutory provisions of MCL 600.2957 and MCL 600.6304, as amended by 1995 PA 249.

The staff comment is not an authoritative construction by the Court.

A copy of this order will be given to the Secretary of the State Bar and to the State Court Administrator so that they can make the notifications specified in MCR 1.201. Comments on these proposals may be sent to the Supreme Court Clerk in writing or electronically by January 1, 2009, at P.O. Box 30052, Lansing, MI 48909, or [MSC\\_clerk@courts.mi.gov](mailto:MSC_clerk@courts.mi.gov). When filing a comment, please refer to ADM File No. 2007-41. Your comments and the comments of others will be posted at [www.courts.mi.gov/supremecourt/resources/administrative/index.htm](http://www.courts.mi.gov/supremecourt/resources/administrative/index.htm).



I, Corbin R. Davis, 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.

September 23, 2008

*Corbin R. Davis*

Clerk