

# State of Michigan

FORTY-SECOND CIRCUIT COURT

Michael J. Beale  
Circuit Judge  
mbeale@co.midland.mi.us



Louise J. Wilkins  
Judicial Asst/ADR Clerk  
wilkins@co.midland.mi.us

Received

JAN 21 2008

State Court Administrative Office

Midland County Courthouse  
301 W. Main Street  
Midland, Michigan 48640-5183  
FAX: 989-837-6571  
989-832-6830

January 13, 2009

Mr. Doug VanEpps  
Office of Dispute Resolution  
925 W. Ottawa  
P.O. Box 30048  
Lansing, MI 48909

Dear Mr. VanEpps:

We have reviewed the proposed modifications of the court rules pertaining to Case Evaluation. Specifically we are responding to the changes in MCR 2.403(M) which has two alternatives. We ask for the language in alternative B to be used for purposes of MCR 2.403(M)(1). The potential for abuses of non-PIP type cases would be too significant to leave out unaccrued claims from the Case Evaluation resolution. Claims the damages are unknown or could not be ascertained could possibly be raised in the future and would be contrary to the intentions of Case Evaluation resolving all claims.

We understand the need for a special exemption from case evaluation addressing future no-fault, first party benefits since they have not accrued. Thus, the limited exception to the scope of a judgment or dismissal entered pursuant to the Case Evaluation process should be limited to the specific circumstances identified in alternative B.

We ask for you to consider these comments from both of us in evaluating how to proceed forward with the changes to the court rule. Your attention to this matter is appreciated. Please contact us if you have any questions.

Very Truly Yours,

Jonathan E. Lauderbach  
Chief Circuit Court Judge

Michael J. Beale  
Circuit Court Judge

/ljw