

2009-13

>>> Clerk Info 9/30/2009 2:14 PM >>>

>>> "Kitty L. Groh" <kgroh@farhatandstory.com> 9/30/2009 1:10 PM >>>  
Dear Mr. Davis:

I would strongly recommend a change to the language of ADM File No. 2009-13. The proposed rule should state that challenges to an affidavit of merit or affidavit of meritorious defense, should be required to be made by motion filed pursuant to MCR 2.119. I fully support Barry Gates comments on this issue in his September 25, 2009 letter to you.

Further, I would urge the Court not to adopt Justice Markman's proposed amendment which would add in section (D) of MCR 2.118. Justice Markman's proposed amendment would require a case to be dismissed and refiled and would result in timing uncertainty and would lead to increased motions and appeals. I have reviewed Barry Gates insightful comments on this issue and I agree with him concerning the reasons Justice Markman's proposed amendment would be ill-advised.

Thank you for your consideration.

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