

Order

Michigan Supreme Court
Lansing, Michigan

June 18, 2024

Elizabeth T. Clement,
Chief Justice

ADM File No. 2022-38

Brian K. Zahra
David F. Viviano
Richard H. Bernstein
Megan K. Cavanagh
Elizabeth M. Welch
Kyra H. Bolden,
Justices

Proposed Amendments of Rules
2.625, 7.115, 7.219 and 7.319
of the Michigan Court Rules

On order of the Court, this is to advise that the Court is considering amendments of Rules 2.625, 7.115, 7.219 and 7.319 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 will also be considered at a public hearing. The notices and agendas for each public hearing are posted on the [Public Administrative Hearings](#) page.

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 to the text are indicated in underlining and
deleted text is shown by strikeover.]

Rule 2.625 Taxation of Costs

(A)-(F) [Unchanged.]

(G) Stay of Collecting Taxed Costs. The court or the clerk must stay the enforcement of an award taxing costs to a prevailing party under subrule (F) until expiration of the time for filing an appeal in the appropriate appellate court, or if an appeal is filed, while a claim of appeal or application for leave to appeal in the appropriate appellate court is pending.

(G)-(K) [Relettered (H)-(L) but otherwise unchanged.]

Rule 7.115 Taxation of Costs, Fees

(A)-(D) [Unchanged.]

(E) Stay of Collecting Taxed Costs. The clerk must stay the enforcement of an award taxing costs until expiration of the time for filing an appeal in the appropriate appellate court, or if an appeal is filed, while a claim of appeal or application for leave to appeal in the Court of Appeals is pending.

- (E) [Relettered as (F) but otherwise unchanged.]
- (~~G~~F) Taxable Costs and Fees. Except as otherwise provided by law or court rule, aA prevailing party may tax only the reasonable costs and fees incurred in the appeal, including:
- (1)-(6) [Unchanged.]
- (7) the additional costs incurred when a party to an appeal under the Administrative Procedures Act unreasonably refused to stipulate to shortening the record as provided in MCL 24.304(2); ~~and~~
- (8) costs awarded in the court below as permitted by MCL 600.2445(4); and
- (8) [Renumbered as (9) but otherwise unchanged.]

Rule 7.219 Taxation of Costs; Fees

- (A) [Unchanged.]
- (B) Time for Filing. Within ~~42~~28 days after the dispositive order, opinion, or order denying reconsideration is mailed, the prevailing party may file a certified or verified bill of costs with the Court of Appeals clerk and serve a copy on all other parties. If the Supreme Court reverses the decision of the Court of Appeals, then within 28 days of the Supreme Court decision, the new prevailing party may file a certified or verified bill of costs with the Court of Appeals clerk and serve a copy on all other parties. Each item claimed in the bill must be specified. Failure to file a bill of costs within the time prescribed waives the right to costs.
- (C)-(D) [Unchanged.]
- (E) Stay of Collecting Taxed Costs. The clerk must stay the enforcement of an award taxing costs until expiration of the time for filing an appeal an application for leave to appeal in the Supreme Court, and if an appeal is filed, while an application in the Supreme Court is pending.
- (E) [Relettered as (F) but otherwise unchanged.]
- (~~G~~F) Costs Taxable. Except as otherwise provided by law or court rule, aA prevailing party may tax only the reasonable costs and fees incurred in the Court of Appeals, including:
- (1)-(5) [Unchanged.]

- (6) taxable costs allowed by law in appeals to the Supreme Court (MCL 600.2441); ~~and~~
- (7) costs awarded in the court below as permitted by MCL 600.2445(4); and
- (~~8~~7) other expenses taxable under applicable court rules or statutes.

(G)-(I) [Relettered as (H)-(J) but otherwise unchanged.]

Rule 7.319 Taxation of Costs; Fees

- (A) Rules Applicable. Unless this rule provides a different procedure, tThe procedure for taxation of costs in the Supreme Court is as provided in MCR 7.219.
- (B) [Unchanged.]
- (C) Taxation and Stay. The clerk will promptly verify the bill and tax those costs allowable. If the Supreme Court retains jurisdiction in a case, the clerk must stay the enforcement of an award taxing costs until the Supreme Court no longer has jurisdiction over the case.

(C)-(D) [Relettered as (D)-(E) but otherwise unchanged.]

Staff Comment (ADM File No. 2022-38): The proposed amendments of MCR 2.625, 7.115, 7.219 and 7.319 would: (1) require courts to stay enforcement of taxed costs while an appeal is pending or until time for filing an appeal has passed, (2) align the timeframe for filing a bill of costs in the Court of Appeals with the timeframe for filing an application for leave to appeal, (3) incorporate into MCR 7.219 the Court of Appeals internal operating procedure 7.219(B) that allows, upon reversal of a Court of Appeals decision, the new prevailing party to file a new bill of costs in the Court of Appeals, and (4) include in the lists of taxable costs those costs awarded in the lower court in accordance with MCL 600.2445(4).

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.

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 the proposal may be submitted by October 1, 2024 by clicking on the

“Comment on this Proposal” link under this proposal on the [Court’s Proposed & Adopted Orders on Administrative Matters](#) page. You may also submit a comment in writing at P.O. Box 30052, Lansing, MI 48909 or via email at ADMcomment@courts.mi.gov. When filing a comment, please refer to ADM File No. 2022-38. Your comments and the comments of others will be posted under the chapter affected by this proposal.



I, Larry S. Royster, 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.

June 18, 2024

A handwritten signature in black ink, appearing to read "Larry S. Royster", written over a horizontal line.

Clerk