

Order

Michigan Supreme Court
Lansing, Michigan

November 20, 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

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

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 following amendments of Rules 2.625, 7.115, 7.219, and 7.319 of the Michigan Court Rules are adopted, effective January 1, 2025.

[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, a prevailing party may tax only costs awarded in the court below as permitted by MCL

600.2445(4) and the reasonable costs and fees incurred in the appeal, including:

(1)-(8) [Unchanged.]

Rule 7.219 Taxation of Costs; Fees

(A) [Unchanged.]

(B) Time for Filing. Within ~~49~~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 application for leave to appeal in the Supreme Court, and if an application is filed, while the 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, a prevailing party may tax only costs awarded in the court below as permitted by MCL 600.2445(4) and the reasonable costs and fees incurred in the Court of Appeals, including:

(1)-(6) [Unchanged.]

(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, ~~t~~The 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 amendments of MCR 2.625, 7.115, 7.219, and 7.319: (1) require courts to stay enforcement of taxed costs while an appeal is pending or until time for filing an appeal has passed, (2) expand the timeframe for filing a bill of costs in the Court of Appeals, (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.

ZAHRA, J. and VIVIANO, J., would have declined to adopt.



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.

November 20, 2024

A handwritten signature in black ink, appearing to read "Larry S. Royster".

Clerk