

Order

Michigan Supreme Court
Lansing, Michigan

June 5, 2013

Robert P. Young, Jr.,
Chief Justice

ADM File No. 2012-36

Michael F. Cavanagh
Stephen J. Markman

Amendment of Rule 2.112
and Rule 8.119 of the Michigan
Court Rules

Mary Beth Kelly
Brian K. Zahra
Bridget M. McCormack
David F. Viviano,
Justices

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 Rule 2.112 and Rule 8.119 of the Michigan Court Rules are adopted, effective September 1, 2013.

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

Rule 2.112 Pleading Special Matters

(A)-(N)[Unchanged.]

(O) Business and Commercial Disputes

- (1) If a case involves a business or commercial dispute as defined in MCL 600.8031 and the court maintains a business court docket, a party shall verify on the face of the party's initial pleading that the case meets the statutory requirements to be assigned to the business court. If a cross-claim, counterclaim, third-party complaint, amendment, or any other modification of the action includes a business or commercial dispute, a party shall verify on the face of the party's pleading that the case meets the statutory requirements to be assigned to the business court.
- (2) If a party files a pleading alleging a business or commercial dispute as defined in MCL 600.8031 but fails to verify that the case meets the statutory requirements to be assigned to the business court as required in subsection (1) of this subrule, any party to the action may thereafter file a motion for determination that the case is eligible for assignment to the business court.

- (3) On the motion of a party or the court's own initiative, if the court determines that the action meets the statutory requirements of MCL 600.8031, the court shall assign the case to the business court.
- (4) A party may file a motion requesting the chief judge review a decision made under subsection 3. The chief judge's ruling is not an order that may be appealed.

Rule 8.119 Court Records and Reports; Duties of Clerks

(A)-(G)[Unchanged.]

- (H) Access to Records. Except as otherwise provided in subrule (F), only case records as defined in subrule (D) are public records, subject to access in accordance with these rules. The clerk may not permit any case record to be taken from the court without the order of the court. A court may provide access to the public information in a register of actions through a publicly accessible website and business court opinions may be made available as part of an indexed list as required under MCL 600.8039; however, all other public information in its case records may be provided through electronic means only upon request. The court may provide access to any case record that is not a document, as defined by MCR 1.109(B), if it can reasonably accommodate the request. Any materials filed with the court pursuant to MCR 1.109(C)(2), in a medium in which the court does not have the means to readily access and reproduce those materials, may be made available for public inspection using court equipment only. The court is not required to provide the means to access or reproduce the contents of those materials if the means is not already available.

(1)-(2)[Unchanged.]

(I)-(L)[Unchanged.]

Staff Comment: The amendments of MCR 2.112 provide a means to identify business court cases and the placement of those matters on the business court docket. The amendment of MCR 8.119 allows business court opinions to be published.

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



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 5, 2013


Clerk