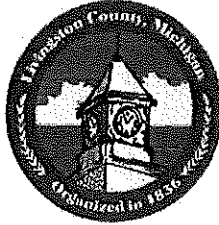


Chief Judge
Miriam A. Cavanaugh



Circuit Court Judges
L. Suzanne Geddis
Michael P. Hatty
David J. Reader

District Court Judges
Theresa M. Brennan
Shauna Murphy

Livingston County Trial Courts
204 S. HIGHLANDER WAY, HOWELL, MI 48843

44th Circuit Court. Local Administrative Order 2019 – 05

PLAN FOR THE CREATION OF A SPECIALIZED BUSINESS COURT

IT IS ORDERED:

This local administrative order is issued in accordance with MCL 600.8031 *et seq.* It establishes a plan for a specialized business court in the 44th Circuit Court for the purposes outlined in MCL 600.8033(3). The business court has jurisdiction over business and commercial disputes as defined in MCL 600.8031(1)(c) in which the amount in controversy exceeds \$25,000.

1. **Judicial Resources/Services:**

The business court shall consist of a judge or judges appointed by the Michigan Supreme Court as a business court judge.

2. **Cases Eligible for Assignment to the Business Court:**

- A. Cases eligible to be assigned to the business court are identified in MCL 600.8031(2).
- B. Cases that are excluded by MCL 600.8031(3) may be assigned to the business court if the assigned judge determines that it meets the statutory requirements of MCL 600.8035(3).

3. **Case Assignment to the Business Court and Judicial Review of Pleadings**

All pleadings that involve a business or commercial dispute shall contain a verification of the party on the first page of the pleading that the case meets statutory requirements to be assigned to the business court, in accordance with MCR 2.112(O)(1). The court clerk shall forward all pleadings so verified to the assigned judge, who shall review all such pleadings for assignment to the business court. Where an initial complaint contains a verification as described herein, the court clerk shall assign the case to a business court judge, pursuant to this court's case assignment local administrative order.

If a party files a pleading alleging a business or commercial dispute but fails to

include the required verification as to the statutory requirements for assignment to the business court, any party to the action may file a motion for determination that the case is eligible for assignment to the business court. On the motion of a party or the court's own initiative, the case shall be reassigned to the business court if the assigned judge determines that the action meets the statutory requirements to be assigned to the business court.

A case assigned to the business court may be reassigned to another judge if the action does not include or ceases to include a business or commercial dispute, or if there is only one judge appointed as the business court judge and he or she is recused or disqualified from hearing the case. On the motion of a party or on the court's own initiative, the case shall be reassigned according to this court's case assignment local administrative order if the assigned judge determines that the action does not meet or no longer meets the statutory requirements to be assigned to the business court.

Pursuant to MCR 2.112(O)(4), a party may file a motion requesting that the chief judge review a determination under this section. The ruling of the chief judge is not an order that may be appealed.

4. **Docket Management:**

- A. The court clerk shall promptly inform the business court judge of the filing of an answer or other responsive pleading. The business court will subsequently issue an initial scheduling order, pursuant to this order and MCR 2.401(B)(2).
- B. Initial Pretrial Disclosures. The parties will exchange initial pretrial disclosures within the later of 28 days after the responsive pleading is filed, 28 days after the case is assigned to the business court, or at such other time as the court deems appropriate. These disclosures must include all of the following, to the extent applicable:
 - i. The name and, if known, the address and telephone number of each individual likely to have discoverable information—along with the subjects of that information—that the disclosing party may use to support its claims or defenses, unless the use would be solely for impeachment.
 - ii. A copy—or a description by category and location—of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses, unless the use would be solely for impeachment.
 - iii. A description by category and location of all documents, electronically stored information, and tangible things that are not in the disclosing party's possession, custody, or control that the disclosing party may use to support its claims or defenses, unless the use would be solely for impeachment. The description must include the name and, if known, the address and telephone number of the

- person who has possession, custody, or control of the material.
- iv. A computation of each category of damages claimed by the disclosing party, who must also make available for inspection and copying as under MCR 2.310 the documents or other evidentiary material, unless privileged or protected from disclosure, on which each computation is based, including materials bearing on the nature and extent of injuries suffered.
 - v. A copy (or an opportunity to inspect a copy) of pertinent portions of any insurance, indemnity, or suretyship agreement under which another person may be liable to satisfy all or part of a possible judgment in the action or to indemnify or reimburse for payments made to satisfy the judgment.
 - vi. The anticipated subject areas of expert testimony.

C. Initial Court Conference. The court will issue notice to the parties for appearance by counsel and unrepresented parties for an initial court conference within the later of 60 days after the responsive pleading is filed, 60 days after the case is assigned to the business court, or at such other time as the court deems appropriate. A scheduling order will be issued at the time of the initial court conference and the parties will address early alternative dispute resolution, among other matters.

5. **Technology:**

The business court may, when the court deems it appropriate, allow appearances by teleconference (including video conference) for any business court proceedings, if the available technology allows and is arranged in advance.

6. **Opinions:**

All opinions shall be e-mailed to the State Court Administrative Office for publication on an indexed website.

7. **Local Administrative Staff:**


The court has provided the State Court Administrative Office with the name of a local staff person who has been designated as the primary contact for the business court.

This Order shall take effect immediately upon approval by the State Court Administrative Office.

Date:

3/14/2019

Chief Judge Signature:



Hon. Miriam Cavanaugh