

Order

Michigan Supreme Court
Lansing, Michigan

September 18, 2019

Bridget M. McCormack,
Chief Justice

ADM File No. 2018-12

David F. Viviano,
Chief Justice Pro Tem

Amendment of Rule
2.612 of the Michigan
Court Rules

Stephen J. Markman
Brian K. Zahra
Richard H. Bernstein
Elizabeth T. Clement
Megan K. Cavanagh,
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 amendment of Rule 2.612 of the Michigan Court Rules is adopted, effective January 1, 2020.

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

Rule 2.612 Relief from Judgment or Order

(A)-(B) [Unchanged.]

(C) Grounds for Relief From Judgment.

(1)-(3) [Unchanged.]

(4) The procedure for obtaining any relief from a judgment shall be by motion as prescribed in these rules or by an independent action. Relief may not be sought or obtained by the writs of coram nobis, coram vobis, audita querela, bills of review, or bills in the nature of a bill of review.

Staff comment: The amendment of MCR 2.612 clarifies that writs of coram nobis, coram vobis, audita querela, and bills of review and bills in the nature of a bill of review remain abolished. This language was eliminated when the court rules were rewritten in 1985, but in light of occasional attempts to file these types of writs, it is deemed helpful to clarify that they are abolished.

The staff comment is not an authoritative construction by the Court. In addition, adoption of an amendment in no way reflects a substantive determination by this 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.

September 18, 2019

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

Clerk