

From: [Cheryl Siler](#)
To: [ADMcomment](#)
Subject: ADM File No. 2020-06
Date: Wednesday, June 24, 2020 12:20:40 PM
Attachments: [image797523.png](#)

Hello,

I am writing to comment on the proposed changes set forth in ADM File No. 2020-06. As proposed, the changes to Rule 2.403(A)(2) and (3) are somewhat ambiguous and I would suggest the rule be clarified.

The proposed change to Rule 2.403(A)(2) states:

- In a case in which a discovery plan has been filed with the court under MCR 2.401(C), an included stipulation to use an ADR process other than case evaluation must:
- (a) identify the ADR process to be used;
 - (b) describe its timing in relation to other discovery provisions; and,
 - (c) be completed no later than 60 days after the close of discovery

My concern is with 2.403(A)(2)(c) as it is unclear what must be completed no later than 60 days after the close of discovery. As written, it seems to indicate that the stipulation to use an ADR process other than case evaluation itself must be completed no later than 60 days after the close of discovery. However, it seem that the intention of the proposed rule may be to require the completion of the ADR process no later than 60 days after the close of discovery. If so, perhaps the rule could be revised as follows:

- In a case in which a discovery plan has been filed with the court under MCR 2.401(C), an included stipulation to use an ADR process other than case evaluation must:
- (a) identify the ADR process to be used;
 - (b) describe ~~it's~~ the timing of the ADR process in relation to other discovery provisions; and,
 - (c) state that the ADR process be completed no later than 60 days after the close of discovery

Section (A)(3)(c) has a similar ambiguity as to what must be completed within 60 days after the close of discovery. The stipulated order or the ADR process itself?

Thank you for your time.

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