

**STATE OF MICHIGAN
101ST LEGISLATURE
REGULAR SESSION OF 2021**

Introduced by Senators Victory and Runestad

ENROLLED SENATE BILL No. 408

AN ACT to amend 1961 PA 236, entitled “An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of the courts, and of the judges and other officers of the courts; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in the courts; pleading, evidence, practice, and procedure in civil and criminal actions and proceedings in the courts; to provide for the powers and duties of certain state governmental officers and entities; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts,” (MCL 600.101 to 600.9947) by adding section 309a.

The People of the State of Michigan enact:

Sec. 309a. (1) The legislature finds and declares all of the following:

(a) The right to trial by jury, as preserved by the state constitution of 1963, is sacrosanct and the decisions of juries should not be lightly discarded.

(b) It is the public policy of this state that litigants be afforded the highest possible degree of certainty that jury verdicts will be respected and enforced.

(2) This section applies only if a party seeks relief from a circuit court judgment entered in a civil action based on a jury verdict on any of the following grounds:

(a) Mistake, inadvertence, surprise, or excusable neglect.

(b) Newly discovered evidence.

(c) Fraud, misrepresentation, or other misconduct of an adverse party.

(d) That the judgment is void.

(e) Another reason that justifies relief from the operation of the judgment.

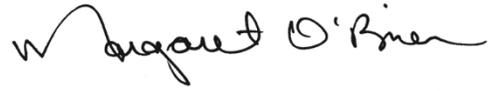
(3) If a circuit court order grants relief to a party as described under subsection (2), an opposing party may file an appeal of right from that order to the court of appeals. Action in the circuit court must be stayed while the matter is on appeal.

(4) In an appeal of right to the court of appeals under subsection (3), the court shall take appropriate steps toward ensuring, consistent with the appellate court rules, a timely processing of the appeal.

(5) This section does not apply to an action to which section 6098 applies.

(6) This section applies only to an action, case, or proceeding commenced after the date this section takes effect.

This act is ordered to take immediate effect.



Secretary of the Senate



Clerk of the House of Representatives

Approved _____

Governor