

REVISED JUDICATURE ACT OF 1961 (EXCERPT)
Act 236 of 1961

600.3013 Motion requiring plaintiff to file additional trust claims; duties of plaintiff; written response by plaintiff; determination and action by court; scheduling asbestos action for trial; compliance with section.

Sec. 3013.

(1) Not less than 60 days before trial, the defendant shall confer with the plaintiff if the defendant believes the plaintiff has not filed all asbestos trust claims as required under section 3012. After conferring with the plaintiff under this subsection, the defendant may move the court for an order to require the plaintiff to file additional trust claims. The motion must identify the asbestos trust claims that the defendant believes the plaintiff can file. The defendant shall produce or describe the information it possesses or is aware of in support of the motion. If the defendant has previously filed a motion under this section, the court shall not grant a subsequent motion if the defendant knew that the plaintiff met the criteria for payment for the additional trust claim identified in the subsequent motion at the time the earlier motion was filed.

(2) Within 10 days after receiving a motion under subsection (1), the plaintiff shall do 1 of the following:

(a) File the asbestos trust claims.

(b) File a written response with the court stating why there is insufficient evidence for the plaintiff to file the asbestos trust claims.

(c) File a written response with the court requesting a determination that the cost to file the asbestos trust claims exceeds the plaintiff's reasonably anticipated recovery.

(3) Within 10 days after the plaintiff files a written response to the defendant's motion, the court shall determine if there is sufficient basis for the plaintiff to file the asbestos trust claims identified in the motion. If the court determines that there is a sufficient basis for the plaintiff to file the asbestos trust claim that is the subject of a motion under subsection (1), the court shall stay the asbestos action until the plaintiff files the asbestos trust claim and produces all related trust claims materials.

(4) If the court determines that the cost of submitting an asbestos trust claim that is the subject of a motion under subsection (1) exceeds the plaintiff's reasonably anticipated recovery, the court shall stay the asbestos action until the plaintiff files with the court and provides all parties with a verified statement of the plaintiff's history of exposure to, usage of, or other connection to asbestos covered by the asbestos trust.

(5) The court shall not schedule the asbestos action for trial sooner than 60 days after the plaintiff complies with this section.

History: Add. 2018, Act 100, Imd. Eff. Apr. 2, 2018