

**SUBSTITUTE FOR
SENATE BILL NO. 895**

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
(MCL 600.101 to 600.9947) by adding section 309a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **Sec. 309a. (1) The legislature finds both of the following:**

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

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

8 **(c) This section is intended to be remedial.**

9 **(2) This section applies only if a party seeks relief from a**



1 circuit court judgment entered in a civil action based on a jury
2 verdict on any of the following grounds:

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

4 (b) Newly discovered evidence.

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

7 (d) That the judgment is void.

8 (e) Another reason that the party believes justifies relief
9 from the operation of the judgment.

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

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

18 (5) In an appeal of right to the court of appeals under
19 subsection (3), if the circuit court's grant of relief from the
20 judgment is reversed, the party that requested relief from the
21 judgment shall pay the actual costs and a reasonable attorney fee
22 incurred by the appellant.

23 (6) This section does not apply to an action to which section
24 6098 applies.

