

HOUSE SUBSTITUTE FOR  
SENATE BILL NO. 408

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 and declares all of the  
2 following:

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

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

9           (c) This section is not intended to create a new right to seek



1 relief from a circuit court judgment.

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

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

6 (b) Newly discovered evidence.

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

9 (d) That the judgment is void.

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

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

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

20 (5) This section does not apply to an action to which section  
21 6098 applies.

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

