



# SENATE BILL No. 329

February 3, 1993, Introduced by Senator DINGELL and referred to the Committee on Judiciary.

A bill to amend sections 4917 and 4965 of Act No. 236 of the Public Acts of 1961, entitled as amended

"Revised judicature act of 1961,"

as added by Act No. 178 of the Public Acts of 1986, being sections 600.4917 and 600.4965 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Sections 4917 and 4965 of Act No. 236 of the  
2 Public Acts of 1961, as added by Act No. 178 of the Public Acts  
3 of 1986, being sections 600.4917 and 600.4965 of the Michigan  
4 Compiled Laws, are amended to read as follows:

5       Sec. 4917. (1) Each party shall file a written acceptance  
6 or rejection of the mediation panel's evaluation with the media-  
7 tion clerk within 28 days after service of the panel's  
8 evaluation. The failure to file a written acceptance or  
9 rejection within the 28 days constitutes ~~acceptance~~ REJECTION.

1       (2) A party's acceptance or rejection of the panel's  
2 evaluation shall not be disclosed until the expiration of the  
3 28-day period, at which time the mediation clerk shall send a  
4 notice indicating each party's acceptance or rejection of the  
5 panel's evaluation.

6       (3) In mediations involving multiple parties, the following  
7 rules apply:

8       (a) Each party has the option of accepting all of the awards  
9 covering the claims by or against that party or of accepting some  
10 and rejecting others. However, as to any particular opposing  
11 party, the party shall either accept or reject the evaluation in  
12 its entirety.

13       (b) A party who accepts all of the awards may specifically  
14 indicate that he or she intends the acceptance to be effective  
15 only if all opposing parties accept. If this limitation is not  
16 included in the acceptance, an accepting party is considered to  
17 have agreed to entry of judgment as to that party and those of  
18 the opposing parties who accept, with the action to continue  
19 between the accepting party and those opposing parties who  
20 reject.

21       (c) If a party makes a limited acceptance under subdivision  
22 (b) and some of the opposing parties accept and others reject,  
23 for the purposes of the cost provisions of section 4921, the  
24 party who made the limited acceptance is considered to have  
25 rejected as to those opposing parties who accept.

26       Sec. 4965. (1) Each party shall file a written acceptance  
27 or rejection of the mediation panel's evaluation with the

1 mediation clerk within 28 days after service of the panel's  
2 evaluation. The failure to file a written acceptance or rejection  
3 within the 28 days constitutes ~~acceptance~~ REJECTION.

4 (2) A party's acceptance or rejection of the panel's evaluation  
5 shall not be disclosed until the expiration of the 28-day  
6 period, at which time the mediation clerk shall send a notice  
7 indicating each party's acceptance or rejection of the panel's  
8 evaluation.

9 (3) In mediations involving multiple parties, the following  
10 shall apply:

11 (a) Each party has the option of accepting all of the awards  
12 covering the claims by or against that party or of accepting some  
13 and rejecting others. However, as to any particular opposing  
14 party, the party shall either accept or reject the evaluation in  
15 its entirety.

16 (b) A party who accepts all of the awards may specifically  
17 indicate that he or she intends the acceptance to be effective  
18 only if all opposing parties accept. If this limitation is not  
19 included in the acceptance, an accepting party is considered to  
20 have agreed to entry of judgment as to that party and those of  
21 the opposing parties who accept, with the action to continue  
22 between the accepting party and those opposing parties who  
23 reject.

24 (c) If a party makes a limited acceptance under subdivision  
25 (b) and some of the opposing parties accept and others reject,  
26 for the purposes of the cost provisions of section ~~4910~~ 4969,

1 the party who made the limited acceptance is considered to have  
2 rejected as to those opposing parties who accept.