

HOUSE BILL No. 4810

June 5, 2003, Introduced by Reps. Pastor, Vander Veen, Amos, Voorhees, Emmons,
Brandenburg and Garfield and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending sections 4921 and 4969 (MCL 600.4921 and 600.4969),
as added by 1986 PA 178.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4921. (1) If a party ~~has rejected~~ **rejects** an
2 evaluation **under this chapter** and the action proceeds to trial,
3 that party shall pay the opposing party's actual costs unless the
4 verdict is more favorable to the rejecting party than the
5 ~~mediation~~ evaluation. However, if the opposing party has also
6 rejected the evaluation, that party is entitled to costs only if
7 the verdict is more favorable to that party than the ~~mediation~~
8 evaluation.

9 (2) For the purpose of subsection (1), a verdict shall be
10 adjusted by adding to it assessable costs and interest on the

1 amount of the verdict from the filing of the complaint to the
2 date of the ~~mediation~~ evaluation. After this adjustment, the
3 verdict is considered more favorable to a defendant if it is more
4 than ~~10%~~ **20%** below the evaluation —, and is considered more
5 favorable to the plaintiff if it is more than ~~10%~~ **20%** above the
6 evaluation.

7 (3) For the purpose of this section, actual costs include
8 those costs taxable in any civil action and a reasonable attorney
9 fee as determined by the trial judge for services necessitated by
10 the rejection of the ~~mediation~~ evaluation.

11 (4) Costs shall not be awarded ~~if the mediation award~~ **under**
12 **this section if the evaluation** was not unanimous.

13 Sec. 4969. (1) If a party ~~has rejected~~ **rejects** an
14 evaluation **under this chapter** and the action proceeds to trial,
15 that party shall pay the opposing party's actual costs unless the
16 verdict is more favorable to the rejecting party than the
17 ~~mediation~~ evaluation. However, if the opposing party has also
18 rejected the evaluation, that party is entitled to costs only if
19 the verdict is more favorable to that party than the ~~mediation~~
20 evaluation.

21 (2) For the purpose of subsection (1), a verdict shall be
22 adjusted by adding to it assessable costs and interest on the
23 amount of the verdict from the filing of the complaint to the
24 date of the ~~mediation~~ evaluation. After this adjustment, the
25 verdict is considered more favorable to a defendant if it is more
26 than ~~10%~~ **20%** below the evaluation —, and is considered more
27 favorable to the plaintiff if it is more than ~~10%~~ **20%** above the

1 evaluation.

2 (3) For the purpose of this section, actual costs include
3 those costs taxable in any civil action and a reasonable attorney
4 fee as determined by the trial judge for services necessitated by
5 the rejection of the ~~mediation~~ evaluation.

6 (4) Costs shall not be awarded ~~if the mediation award~~ **under**
7 **this section if the evaluation** was not unanimous.