

SENATE BILL NO. 408

May 04, 2021, Introduced by Senators VICTORY and RUNESTAD and referred to the Committee on Judiciary and Public Safety.

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.

1 (c) This section is intended to be remedial.

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 the party believes justifies relief
11 from the operation of 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. An
16 opposing party may file an appeal of right under this subsection
17 not later than 42 days before the date the circuit court has
18 ordered a new trial to start.

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

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