

p 517-346-6300

April 30, 2008

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Corbin Davis

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Clerk of the Court

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Michigan Supreme Court

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Lansing, MI 48909

306 Townsend Street

Michael Franck Building

Lansing, MI

48933-2012

**RE: ADM File No. 2006-11
Proposed Amendment of Rules 2.614, 7.101, 7.209, and 7.302 of the Michigan
Court Rules**

Dear Clerk Davis:

To date, the State Bar of Michigan has received two recommendations on the above proposal that I am providing you at this time without a recommendation from the State Bar itself.

The Civil Procedure and Courts Committee opposes the proposal. In general, the Committee does not favor making a particular category of orders subject to stay provisions not applicable to other types. In addition, the Committee was concerned with attempting to make the stay "automatic" rather than continuing to require an order. There is a concern that there will be some trial court rulings as to which there will be uncertainty about whether they constitute denial of a claim of governmental immunity, leading to uncertainty about whether there is in fact a stay in effect when an appeal is taken. By continuing to require an order, the parties and trial court would know with certainty whether the case is stayed.

The Public Corporation Law Section, however, supports the proposal.

Should the State Bar receive communications from other sections or committees on this proposal, or if the State Bar itself arrives at a position, I will forward that information to you immediately in the hopes that the information might be of use to, and entertained by, the Court, notwithstanding the comment deadline.

Sincerely,



Janet Welch
Executive Director

cc: Anne Boomer, Administrative Counsel, Michigan Supreme Court
Ronald D. Keefe, President