



STATE OF MICHIGAN STATUTE OF LIMITATIONS (during COVID-19 pandemic)

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EXTENDED STATUTES OF LIMITATIONS DURING THIS TIME OF COVID-19

As of June 20, 2020, the tolling period in Michigan expired and was not extended. The following information explains Michigan's tolling period.

On March 23, 2020, the Michigan Supreme Court filed Administrative Order No. 2020-3, and on March 26, 2020, the Court filed Administrative Order No. 2020-4. These orders were intended to work in conjunction with Governor Gretchen Whitmer's Executive Order No. 2020-21, which took effect on March 24, 2020. The Court's orders effectively tolled the deadlines for filing civil and probate cases, and froze the time for filing applications, original actions, brief, answers, replies, and motions in the Michigan Court of Appeals and Michigan Supreme Court.

The Court's orders allowed parties the same number of days to file their documents after the Governor's order expired as the parties would have had when the order was issued. Time periods that would have started while the Governor's order was in effect did not start until Governor's order expired.

On June 12, 2020, the Court rescinded their Orders 2020-3 and 2020-4 effective June 20, 2020, and the filing deadlines for civil and probate cases resumed on June 20, 2020. Cases that began before the Court's orders went into effect had the same number of days to file as when the order went into effect on March 23, 2020. All other cases had the full periods for filing starting June 20, 2020.

As explained above, the duration of Orders 2020-3 and 2020-4 were only effective until June 20, 2020.

TEMPORARY RULES EXTENDING TIME LIMITS TO SERVE COMPLAINTS AND/OR SPECIAL RULES RELATING TO METHODS OF SERVICE

Under Michigan Court Rules of Civil Procedure, service of a summons must be made within 91 days after issuance. Pursuant to Administrative Order No. 2020-9, the deadline for an expiration of a summons were temporarily extended 80 days during the period between March 24, 2020, and June 12, 2020.

The Court also advised in Administrative Order No. 2020-9, that all service of process under Rule MCR 2.107 (C) must be performed using electronic means to the greatest extent possible. Email transmission does not require agreement by the other party during the effective period of the order. Administrative Order No. 2020-9 is still in effect with regards to performing electronic service under Rule MCR 2.107 (C).

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