STATE OF MICHIGAN
OFFICE OF THE GOVERNOR
LANSING

GRETCHEN WHITMER
GOVERNOR

GARLIN GILCHRIST II
LT. GOVERNOR

SECRETARY OF SENATE
2020 APR 23 AM9:56

EXECUTIVE ORDER

No. 2020-58

Temporary suspension of certain timing requirements relating to the commencement of civil and probate actions and proceedings

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4. This order declared a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401 et seq., and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31 et seq.

In the three weeks that followed, the virus spread across Michigan, bringing deaths in the hundreds, confirmed cases in the thousands, and deep disruption to this state's economy, homes, and educational, civic, social, and religious institutions. On April 1, 2020, in response to the widespread and severe health, economic, and social harms posed by the COVID-19 pandemic, I issued Executive Order 2020-33. This order expanded on Executive Order 2020-4 and declared both a state of emergency and a state of disaster across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, and the Emergency Powers of the Governor Act of 1945.

The Emergency Management Act vests the governor with broad powers and duties to "cop[e] with dangers to this state or the people of this state presented by a disaster or emergency," which the governor may implement through "executive orders, proclamations, and directives having the force and effect of law." MCL 30.403(1)-(2). Similarly, the Emergency Powers of the Governor Act of 1945 provides that, after declaring a state of emergency, "the governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control." MCL 10.31(1).

To mitigate the spread of COVID-19, protect the public health, and provide essential protections to vulnerable Michiganders, it is crucial to limit in-person interaction and services as much as possible. Accordingly, on March 15 and 18, 2020, the Michigan Supreme Court issued Administrative Order Nos. 2020-1 and 2020-2, which, among other things, restricted operations in trial-level courts throughout the state and facilitated adjournment of pending matters. And on March 23, 2020, the Court issued Administrative Order No. 2020-3, which provided that any day falling within the declared emergency would not be counted for purpose of computing deadlines pertaining to case initiation and the filing of initial responsive pleadings in civil and probate cases.

These measures are well designed to protect both court staff and the public from the spread of COVID-19 without unduly sacrificing the proper administration of justice. In recognition of the important protections these measures provide to the health and safety of this state and its residents, it is reasonable and necessary to temporarily suspend and toll, for the duration of the declared states of emergency and disaster, all deadlines and related timing requirements applicable to the commencement of civil or probate actions and proceedings.

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

1. Consistent with Michigan Supreme Court Administrative Order No. 2020-3, all deadlines applicable to the commencement of all civil and probate actions and proceedings, including but not limited to any deadline for the filing of an initial pleading and any statutory notice provision or other prerequisite related to the deadline for filing of such a pleading, are suspended as of March 10, 2020 and shall be tolled until the end of the declared states of disaster and emergency.

2. Consistent with Michigan Supreme Court Administrative Order No. 2020-3, this order does not prohibit or restrict a litigant from commencing an action or proceeding whenever the litigant may choose, nor does it suspend or toll any time period that must elapse before the commencement of an action or proceeding.

3. This order is effective immediately.

Given under my hand and the Great Seal of the State of Michigan.

Gretchen Whitmer

Date: April 22, 2020

Time: 8:45 pm

GRETCHEN WHITMER
GOVERNOR

By the Governor:

SECRETARY OF STATE