STATE OF MICHIGAN
OFFICE OF THE GOVERNOR
LANSING

GRETCHEN WHITMER
GOVERNOR

GARLIN GILCHRIST II
LT. GOVERNOR

SECRETARY OF SENATE
2020 JUN 12 PM4:51

EXECUTIVE ORDER

No. 2020-122

Ending the extension of case-initiation deadlines

Rescission of Executive Order 2020-58

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. Older adults and those with chronic health conditions are at particular risk, and there is an increased risk of rapid spread of COVID-19 among persons in close proximity to one another. 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 (EMA), MCL 30.401 et seq., and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended (EPGA), MCL 10.31 et seq.

Since then, the virus spread across Michigan, bringing deaths in the thousands, confirmed cases in the tens of 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. And on April 30, 2020, finding that COVID-19 had created emergency and disaster conditions across the State of Michigan, I issued Executive Order 2020-67 to continue the emergency declaration under the EPGA, as well as Executive Order 2020-68 to issue new emergency and disaster declarations under the EMA.

Those executive orders have been challenged in *Michigan House of Representatives and Michigan Senate v. Whitmer*. On May 21, 2020, the Court of Claims ruled that Executive

Order 2020-67 is a valid exercise of authority under the Emergency Powers of the Governor Act but that Executive Order 2020-68 is not a valid exercise of authority under the Emergency Management Act. Both of those rulings are being challenged on appeal.

On May 22, 2020, I issued Executive Order 2020-99, again finding that the COVID-19 pandemic constitutes a disaster and emergency throughout the State of Michigan. That order constituted a state of emergency declaration under the Emergency Powers of the Governor Act of 1945. And, to the extent the governor may declare a state of emergency and a state of disaster under the Emergency Management Act when emergency and disaster conditions exist yet the legislature has declined to grant an extension request, that order also constituted a state of emergency and state of disaster declaration under that act.

In March 2020, the Michigan Supreme Court issued Administrative Order 2020-3, which amended the manner of calculation of days for purposes of filing deadlines under MCR 1.108(1) for all civil and probate matters by providing that any day falling within the declared state of emergency would not count toward the limitation period. On April 22, 2020, I issued Executive Order 2020-58, which, consistent with Administrative Order 2020-3, suspended all deadlines applicable to the commencement of all civil and probate actions and proceedings.

Michigan's emergency response has been effective in suppressing the spread of the COVID-19. The number of new confirmed cases each day has been steadily in decline, and the strain on our health care system's operational capacity has relented. As a result of this progress, Michigan has been able to gradually resume in-person work and activities with certain safety measures in place, including a wider range of judicial activities.

In light of this transition, the temporary extension of deadlines for statutes of limitations provided by Executive Order 2020-58 will no longer be necessary as soon as the Michigan Supreme Court provides for the resumption of computation of days as normal, beginning June 20, 2020.

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

1. Consistent with Michigan Supreme Court Administrative Order No. 2020-18, 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 tolled from March 10, 2020 to June 19, 2020.

2. Executive Order 2020-58 will remain in effect through June 19, 2020. Effective June 20, 2020 at 12:01 am, Executive Order 2020-58 is rescinded.

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

Date: June 12, 2020

Time: 4:42 pm

GRETCHEN WHITMER
GOVERNOR

By the Governor:

SECRETARY OF STATE