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An Update From Bodman PLC

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Executive Order Tolls Deadlines While Providing New Litigation Opportunities

Governor Whitmer issued Executive Order 2020-58, extending case-initiation deadlines in civil and probate matters. A similar Administrative Order from the Michigan Supreme Court went into effect on March 23, 2020.

The Executive Order is expressly “consistent with the Michigan Supreme Court Administrative Order No. 2020-3” and provides authority for the Supreme Court’s order. The Executive Order not only serves as a backstop to the Administrative Order, but also extends its scope by almost two weeks—purporting to apply retroactively to the date the Governor declared a state of emergency, March 10, 2020.

The effect of this Executive Order will not be apparent until the state of emergency—not just the stay at home order—has ended. Since it is unclear when that will be, each passing day is a gift of time for a future litigant, especially those who may have missed the first deadline.

While this Executive Order may breathe life into otherwise barred cases, it will likely come at a cost. Parties impacted by the Executive Order will foreseeably challenge the Governor and Michigan Supreme Court’s authority to modify statutorily defined limitations periods, which could very well result in additional litigation costs and expenditure of judicial resources.

Our team of Bodman attorneys is prepared to address this issue when the time comes. In the meantime, please contact Joseph Shannon at (313) 393-7549 or jshannon@bodmanlaw.com if you have any questions about how this Executive Order impacts your business. Bodman cannot respond to your questions or receive information from you without first clearing potential conflicts with other clients. Thank you for your patience and understanding.