

**THIRD JUDICIAL CIRCUIT
OF MICHIGAN**

TIMOTHY M. KENNY
CHIEF JUDGE

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LOCAL ADMINISTRATIVE ORDER 2022 – 04

**STATE OF MICHIGAN
THIRD JUDICIAL CIRCUIT**

SUBJECT: GENERAL CIVIL CASE ASSIGNMENTS

This Administrative Order rescinds and replaces Administrative Order 2017-08.

IT IS ORDERED:

Pursuant to the provisions of MCR 8.111(B) Assignment of Cases, it is ordered that the following system be used effective immediately:

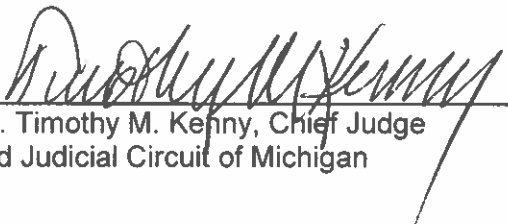
1. All cases must be assigned "by lot" within the following case type categories:
 - a. License Restoration cases (AL): each judge shall be assigned a minimum of ten (10) cases before any judge receives an eleventh (11th) case.
 - b. Superintending Control cases (AS): each judge shall be assigned a minimum of one (1) case before any judge receives a second (2nd) case.
 - c. All other appeals from lower courts and administrative agencies (AA, AE, AP, AV) and all other extraordinary writs, including post-adjudicated habeas corpus (AH), and actions for mandamus and quo warranto or other writs (AW), excluding the following:
 - i. all actions involving election issues;
 - ii. all matters in which the Third Circuit Court is a party;
 - iii. all appeals from Wayne County Veteran Services determinations;
 - iv. all MCL 117.4q(17) appeals of an administrative hearing officer's decision in a MCL 117.4q blight violation hearing; and
 - v. all MCL 28.425d appeals for the failure to provide a receipt, failure to issue a license, or the issuance of a notice of statutory disqualification to carry a concealed pistol.

- d. Except as provided for in subpart e, "other civil matters" case types (CC, CD, CE, CH, CK, CL, CP, CR, CZ), excluding housing and real estate cases (CH) and other general civil cases (CZ) in which the City of Detroit is the named plaintiff.
- e. For the purpose of administrative efficiency, the following cases shall be assigned to the docket of the Chief Judge or a judge designated by the Chief Judge in a Docket Directive:
 - i. the Property Forfeiture Docket encompassing property forfeiture cases (CF);
 - ii. the Tax Foreclosure Docket encompassing all Housing and Real Estate cases (CH) involving tax foreclosure claims in which the City of Detroit, Wayne County Treasurer, or the County of Wayne is a named party;
 - iii. all causes of action to quiet title, whether or not the City of Detroit, Wayne County Treasurer, or County of Wayne is a named party, that arise from tax foreclosure actions heard on the Tax Foreclosure Docket;
 - iv. all nuisance abatement actions (CH), drug house actions (CF), nuisance abatement actions involving commercial property (CH), nuisance abatement actions involving illegal dumping, littering, dangerous conditions and/or blight violations (CH), or expedited quiet title/foreclosure actions (CH) that are filed by the Detroit Land Bank Authority, the City of Detroit, or the Wayne Land Bank Corporation;
 - v. all civil lawsuits (CH) brought by the City of Detroit pursuant to the Detroit City Charter at § 8-403(7) seeking to collect unpaid property taxes pursuant to MCL 211.47(2); and
 - vi. all petitions requesting the authorization of a grand jury. The Chief Judge shall decide whether to grant or deny the petition requesting the authorization of a grand jury.
- f. Other General Civil cases (CZ) involving fire insurance escrow claims filed pursuant to MCL 500.2845 in which the City of Detroit is the named plaintiff are to be assigned by lot in groups of not more than fifty (50) cases to each judge selected.
- g. Medical Malpractice (NH), Other Professional Malpractice (NM), and Products Liability cases (NP), excluding cases involving exposure to asbestos or personal injuries due to silicone gel implant devices.
- h. For the purposes of administrative efficiency, all Products Liability (NP) cases and Other General Civil causes of action in which injury is claimed as a result of exposure to asbestos or personal injury due to silicone gel implant devices shall be assigned to a designated judge.
- i. All other civil damage cases (ND, NF, NI, NO, NS, NZ), excluding cases involving exposure to asbestos or personal injuries due to silicone gel implant devices.
- j. All ancillary or other special proceedings, which may be treated as cases (PC, PD, PR and PS).

- k. For the purposes of administrative efficiency, Other General Civil Cases (CZ) filed to obtain a Writ of Garnishment per MCL 600.4027 and MCL 117.4q in a matter arising out of the filing of a Notice of Administrative Judgment ordered by the City of Detroit Department of Administrative Hearings shall be assigned to a designated judge.
 - l. For the purposes of administrative efficiency, all civil proceedings filed that relate to or arise out of International Transmission Company (ITC)'s attempt to gain easements for purposes of ITC's vegetation management program through condemnation proceedings shall be assigned to a designated judge. Upon conclusion of the show cause hearing, the case shall be reassigned by blind draw to a judge in the Civil Division.
 - m. For the purposes of administrative efficiency, all civil proceedings filed that relate to or arise out of the Michigan Department of Transportation's ("MDOT") attempts to acquire property for purposes of the Gordie Howe International Bridge Project through condemnation proceedings, shall be assigned to a designated judge. Upon the entry of an order confirming the transfer of title and possession, if any, the case shall be reassigned by blind draw to a judge in the Civil Division.
 - n. For the purposes of administrative efficiency, all proceedings filed by the City of Detroit under MCL 141.673 and the City of Detroit Income Tax Ordinance section 73 seeking production of books or records or other relief in connection with the administration of the city's income tax (Detroit Income Tax Administration Actions) shall be assigned to a designated judge.
 - o. For the purposes of administrative efficiency, all proceedings filed by the City of Detroit for the purpose of collecting income tax and associated interest and penalties under the City of Detroit Income Tax Ordinance (Detroit Income Tax Collection Actions) shall be assigned to a designated judge.
 - p. For the purposes of administrative efficiency, all appeals filed under MCL 28.425d by an applicant for failure to provide a receipt, failure to issue a license or in which the applicant seeks a determination regarding whether he/she is entitled to a concealed pistol license after the applicant has received a notice of statutory disqualification shall be assigned by blind draw to a designated group of judges.
2. For the purpose of administrative efficiency and except as otherwise provided in subsection 1.e.vi of this order, all Other Miscellaneous Proceedings (PZ) cases, including cases involving the transfer of a payee's structured settlement payment rights pursuant to MCL 691.1301 *et seq.*, shall be assigned to a judge designated by the Chief Judge in a docket directive.
 3. For the purpose of administrative efficiency, the following types of cases or proceedings shall be assigned to the Chief Judge:
 - a. all actions involving election issues;
 - b. all matters in which the Third Circuit Court is a party;
 - c. all appeals from Wayne County Veteran Services determinations;
 - d. all MCL 117.4q(17) appeals of an administrative hearing officer's decision in a MCL 117.4q blight violation hearing; and
 - e. the actions enumerated in 1.(e).

4. In order to ensure that cases assigned by lot under Section 1. are distributed to all judges equally, no judge is to receive a fifth (5th) case within a designated case category until all judges have received at least four (4) cases, except as noted for case categories 1.(a), 1.(b), 1.(e), and 1.(f).
5. Business Court cases (CB) shall be assigned by blind draw to the judges appointed to the Business Court pursuant to MCL 600.8031, *et seq.*
6. Pursuant to MCR 2.112(O)(3), in order to ensure that business or commercial disputes are assigned to the Business Court, if the Court, on its own initiative, determines that an action is a "business or commercial dispute" as that term is defined at MCL 600.8031, *et seq.*, the Court shall assign the case to the Business Court. This determination shall be made by a judge designated by the Chief Judge.
7. If it is determined that, due to a fluctuation in civil or business court filings and for the efficient administration of justice, it is necessary to equalize a Business Court docket, the Case Processing Department shall adjust the draw for that docket so as to create a more fair and equitable distribution of cases amongst all judges.
8. Disqualification of a judge.
 - a. If a judge is disqualified or for other good reason cannot undertake an assigned case, the Presiding Judge of the Civil Division shall assign it to another judge by written order stating the reason for the reassignment. All cases must be reassigned "by lot".
 - b. When a judge is disqualified from hearing a case, the case shall be exchanged for a comparable case from the docket of the judge receiving the reassigned case as determined by that judge. The criteria for determining a comparable case shall include: case type, case age, and number of plaintiffs and defendants.
9. The Chief Judge shall be excluded from those judges available for "by lot" assignments. The Chief Judge shall also be excluded from receiving cases pursuant to MCR 8.111(D)(1) that arise out of the same transaction or occurrence as a civil case previously assigned to the Chief Judge if either party in the case to be reassigned has made a jury demand and that demand remains in full force and effect.

Dated: February 24, 2022



Hon. Timothy M. Kehny, Chief Judge
Third Judicial Circuit of Michigan

Date Approved by SCAO: April 28, 2022