



HOUSE BILL No. 5564

May 12 1994 Introduced by Reps Rivers Joe Young Jr Wallace Freeman Gubow and Mathieu and referred to the Committee on Judiciary

A bill to amend Act No 236 of the Public Acts of 1961,
entitled as amended
'Revised judicature act of 1961,'
as amended, being sections 600 101 to 600 9947 of the Michigan
Compiled Laws, by adding section 2970

THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1 Section 1 Act No 236 of the Public Acts of 1961, as
2 amended, being sections 600 101 to 600 9947 of the Michigan
3 Compiled Laws, is amended by adding section 2970 to read as
4 follows

5 SEC 2970 (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION
6 (2), A COURT SHALL NOT ENTER AN ORDER THAT PROHIBITS PUBLIC DIS-
7 CLOSURE OF ANY OF THE FOLLOWING INFORMATION IN A PERSONAL INJURY
8 ACTION

1 (A) THE IDENTITIES OF THE PARTIES TO THE ACTION

2 (B) AN ALLEGATION THAT CREATES A GENUINE ISSUE OF MATERIAL
3 FACT

4 (C) THE TERMS OF A SETTLEMENT AGREEMENT BETWEEN 2 OR MORE
5 PARTIES TO THE ACTION

6 (2) A PARTY TO A PERSONAL INJURY ACTION MAY FILE WITH THE
7 COURT A WRITTEN MOTION FOR AN ORDER TO PROHIBIT PUBLIC DISCLOSURE
8 OF INFORMATION DESCRIBED IN SUBSECTION (1) THE COURT SHALL CON-
9 DUCT A HEARING ON THE MOTION PURSUANT TO THE MICHIGAN COURT RULES
10 AND SHALL ADDITIONALLY REVIEW THE INFORMATION IN CAMERA IF THE
11 MOVING PARTY ESTABLISHES TO THE COURT'S SATISFACTION EITHER OF
12 THE FOLLOWING BY CLEAR AND CONVINCING EVIDENCE, THE COURT MAY
13 ENTER AN ORDER PROHIBITING PUBLIC DISCLOSURE OF THE INFORMATION

14 (A) THE INFORMATION IS 1 OR MORE OF THE FOLLOWING

15 (1) OF A PERSONAL NATURE, THE PUBLIC DISCLOSURE OF WHICH
16 WOULD INVADE INDIVIDUAL PRIVACY

17 (2) A TRADE SECRET

18 (3) SUBJECT TO A PRIVILEGE RECOGNIZED BY STATUTE OR COURT
19 RULE

20 (B) THE PUBLIC INTEREST ADVANCED BY DISCLOSURE OF THE INFOR-
21 MATION IS OUTWEIGHED BY THE DAMAGE TO THE SPECIFIC INTEREST
22 CAUSED BY DISCLOSURE, THE ISSUANCE OF AN ORDER PROHIBITING PUBLIC
23 DISCLOSURE OF THE INFORMATION WILL CREATE A SUBSTANTIAL PROBABIL-
24 ITY THAT A SPECIFIC INTEREST WILL BE PROTECTED, AND A LESS
25 RESTRICTIVE MEANS OF PROTECTING A SPECIFIED INTEREST, INCLUDING
26 AN ORDER PROHIBITING DISCLOSURE OF ONLY A PORTION OF THE

1 INFORMATION, WILL NOT PROVIDE ADEQUATE PROTECTION OF THE
2 SPECIFIED INTEREST

3 (3) IF A COURT ENTERS AN ORDER GOVERNED BY THIS SECTION PRO-
4 HIBITING DISCLOSURE OF INFORMATION, THE ORDER SHALL CONTAIN A
5 STATEMENT SPECIFYING THE BASIS OF THE COURT'S FINDINGS UNDER SUB-
6 SECTION (2)

7 (4) THIS SECTION DOES NOT LIMIT OR PRECLUDE ANY RIGHT CON-
8 FERRED UNDER THE FREEDOM OF INFORMATION ACT, ACT NO 442 OF THE
9 PUBLIC ACTS OF 1976, BEING SECTIONS 15 231 TO 15 246 OF THE
10 MICHIGAN COMPILED LAWS

11 (5) A PROVISION IN A COURT ORDER THAT VIOLATES THIS SECTION
12 IS VOID

13 (6) THIS SECTION APPLIES TO PERSONAL INJURY ACTIONS PENDING
14 ON OR FILED AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT
15 ADDED THIS SECTION

16 (7) AS USED IN THIS ACT, 'PERSONAL INJURY ACTION' MEANS A
17 CIVIL ACTION FOR EQUITABLE RELIEF OR MONEY DAMAGES, OR BOTH,
18 ARISING FROM HARM TO A PERSON PROPERTY, OR NATURAL RESOURCE