

REVISED JUDICATURE ACT OF 1961 (EXCERPT)
Act 236 of 1961

600.2421b Definitions.

Sec. 2421b.

(1) "Costs and fees" means the normal costs incurred in being a party in a civil action after an action has been filed with the court, those provided by law or court rule, and include all of the following:

(a) The reasonable and necessary expenses of expert witnesses as determined by the court.

(b) The reasonable cost of any study, analysis, engineering report, test, or project which is determined by the court to have been necessary for the preparation of a party's case.

(c) Reasonable and necessary attorney fees including those for purposes of appeal.

(2) "Party" means a named plaintiff or defendant involved in the particular civil action, but does not include any of the following:

(a) An individual whose net worth was more than \$500,000.00 at the time the civil action was commenced.

(b) The sole owner of an unincorporated business or any partnership, corporation, association, or organization whose net worth exceeded \$3,000,000.00 at the time the civil action was commenced and which is not either exempt from taxation pursuant to section 501(c)(3) of the internal revenue code or a cooperative association as defined in section 15(a) of the agricultural marketing act, 12 U.S.C. 1141j(a).

(c) The sole owner of an unincorporated business or any partnership, corporation, association, or organization that had more than 250 full-time equivalent employees as determined by the total number of employees multiplied by their working hours divided by 40, at the time the civil action was commenced.

(d) As used in this subsection "net worth" means the amount remaining after the deduction of liabilities from assets as determined according to generally accepted accounting principles.

(3) "Prevailing party" means as follows:

(a) In an action involving several remedies, or issues or counts which state different causes of actions or defenses, the party prevailing as to each remedy, issue, or count.

(b) In an action involving only 1 issue or count stating only 1 cause of action or defense, the party prevailing on the entire record.

(4) "State" means an agency or department of the state, 1 or more members of an agency or department of the state, or any official of the state or of an agency or department of the state acting in his or her official capacity, but does not include an institution of higher education established pursuant to article 8 of the state constitution of 1963; the department of labor as administrator of the worker's disability compensation act of 1969, Act No. 317 of the Public Acts of 1969, being sections 418.101 to 418.941 of the Michigan Compiled Laws, the Michigan employment security act, Act No. 1 of the Public Acts of Extra Session of 1936, being sections 421.1 to 421.72 of the Michigan Compiled Laws, and Act No. 176 of the Public Acts of 1939, being sections 423.1 to 423.30 of the Michigan Compiled Laws; or the department of corrections.

History: Add. 1984, Act 197, Imd. Eff. July 3, 1984