

COA Opinion: Where no civil action between the parties is already pending, an arbitration award can only be confirmed by the initiation of a civil action through the filing of a complaint

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The Court of Appeals published its per curiam opinion in *Jaguar Trading Ltd Partnership v. Presler*, Case No. 290972 on August 3, 2010. Here, a plaintiff sought to confirm an arbitration award in circuit court by filing the arbitration award with the court. The defendant sought summary judgment on the ground that a required complaint had not been filed. Defendant further argued that because a complaint was not filed within the applicable one-year limitations period, confirmation of the award would be time-barred. Based on its reading of MCR 3.602, the Court of Appeals concluded that this request for circuit court relief must occur within a civil action, and thus is subject to the requirements of a civil action, including the filing of a complaint. The Court of Appeals, however, declined to find that any subsequent request for confirmation would be time-barred because the rule only required the filing of the award within one year (which plaintiff did).