

MICHIGAN ANTITRUST REFORM ACT (EXCERPT)
Act 274 of 1984

445.776 Written demand by attorney general or prosecuting attorney; contents; noncompliance; action to enforce demand; service of notice and pleadings; orders; confidentiality; waiver.

Sec. 6.

(1) If the attorney general or a prosecuting attorney has reasonable cause to believe that a person has information or is in possession, custody, or control of any document or other tangible object relevant to an investigation for violation of this act, the attorney general or a prosecuting attorney, with the permission of, or at the request of, the attorney general, may serve upon the person, before bringing any action in the circuit court, a written demand to appear and be examined under oath, and to produce the document or object for inspection and copying. The demand shall include all of the following:

- (a) Be served upon the person in the manner required for service of process in this state.
- (b) Describe the nature of the conduct constituting the violation under investigation.
- (c) Describe the document or object with sufficient definiteness to permit it to be fairly identified.
- (d) If demanded, contain a copy of the written interrogatories.
- (e) Prescribe a reasonable time at which the person must appear to testify, within which to answer the written interrogatories, and within which the document or object must be produced, and advise the person that objections to or reasons for not complying with the demand may be filed with the attorney general or prosecuting attorney, with the permission of, or at the request of, the attorney general, on or before that time.
- (f) Specify a place for the taking of testimony or for production and designate the person who shall be custodian of the document or object.
- (g) Contain a copy of subsection (2).

(2) If a person objects to or otherwise fails to comply with the written demand served upon him or her under subsection (1), the attorney general or a prosecuting attorney, with the permission of, or at the request of, the attorney general, may file in the circuit court of the county in which the person resides or in which the person maintains a principal place of business within this state an action to enforce the demand. Notice of hearing the action and a copy of all pleadings shall be served upon the person, who may appear in opposition. If the court finds that the demand is proper, that there is reasonable cause to believe that there may have been or is presently occurring a violation of this act, and that the information sought or document or object demanded is relevant to the investigation, the court shall order the person to comply with the demand, subject to modification the court may prescribe. Upon motion by the person and for good cause shown, the court may make any further order in the proceedings that justice requires to protect the person from unreasonable annoyance, embarrassment, oppression, burden, or expense.

(3) Any procedure, testimony taken, or material produced shall be kept confidential by the attorney general or a prosecuting attorney before bringing an action against a person under this act for the violation under investigation, unless confidentiality is waived by the person being investigated and the person who has testified, answered interrogatories, or produced material, or disclosure is authorized by the court.

History: 1984, Act 274, Eff. Mar. 29, 1985