IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **James J Jewelers Inc v Donald H Ferrier**
Docket No. **260844**
L.C. No. **02-240772-CK**

William C. Whitbeck, Chief Judge, acting under MCR 7.217(D)(2), orders:

This appeal was involuntarily dismissed on August 3, 2005, for failure to ensure the timely filing of the transcript. The 21-day deadline for filing a motion for reinstatement under MCR 7.217(D) expired on August 24, 2005. Roughly five weeks later, on September 29, 2005, appellant filed an untimely motion for reinstatement which the Clerk's Office accepted as required by MCR 7.217(D)(2).

The motion for reinstatement is DENIED. Attorney Eugene S. Hoiby has failed to establish a reasonable basis for his delay in moving for reinstatement, and he has failed to make the requisite showing of "mistake, inadvertence, or excusable neglect" leading to the original dismissal. See MCR 7.217(D)(1).

A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

NOV 2 - 2005
Date

Sandra Schultz Mengel
Chief Clerk