Court of Appeals, State of Michigan

ORDER

Tina K Alderson v James A Alderson

Docket No. 283595

LC No. 05-006106 DM

Alton T. Davis
Presiding Judge

Patrick M. Meter

Stephen L. Borrello
Judges

The Court orders that the motion to dismiss pursuant to MCR 7.211(C)(2) is DENIED. The claim of appeal was timely filed under MCR 7.204(A)(1)(b) because it was filed within 21 days of the January 17, 2008 order denying the motion for new trial that was timely filed on August 22, 2007. There is no requirement under MCR 7.204(A)(1)(b) that it be the appellant who files the motion for new trial in order for the motion for new trial to toll the time period to file the claim of appeal.

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

JUN 10 2008
Date

Sandra Schultz Mengel
Chief Clerk