

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Scott Michael Litwicki v Nicole Marie Litwicki**

Docket No. **297875**

L.C. No. **09-001569-DM**

William B. Murphy, Chief Judge, acting under MCR 7.203(F)(1), orders:

The claim of appeal is DISMISSED for lack of jurisdiction because the April 12, 2010 order is not a final order appealable of right. MCR 7.202(6)(a); MCR 7.203(A). Further, the claim of appeal cannot be saved by treating it as being taken from the January 22, 2010 default judgment of divorce because the claim of appeal was not filed within 21 days after entry of either the judgment of divorce or the February 25, 2010 order denying the motion to set aside the judgment of divorce. MCR 7.204(A)(1)(a)-(b). The filing of the motion for reconsideration of the February 25, 2010 order did not extend the time for filing a claim of appeal from the judgment of divorce because that motion was not filed within 21 days after the January 22, 2010 entry of the judgment of divorce. At this time, appellant may seek to appeal either the January 22, 2010 judgment of divorce or the April 12, 2010 order only by filing a delayed application for leave to appeal under MCR 7.205(F).



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

MAY 28 2010

Date

Sandra Schultz Mengel
Chief Clerk