

Court of Appeals, State of Michigan

ORDER

Trisha L Rutledge v Peter M Cahill

Docket No. 298795

LC No. 10-000434-DC

Mark J. Cavanagh
Presiding Judge

Henry William Saad

Deborah A. Servitto
Judges

The Court orders that the motion for immediate consideration is GRANTED.

In lieu of granting leave to appeal, pursuant to MCR 7.205(D)(2), the Court orders that the St. Clair Circuit Court Family Division's June 21, 2010 order is hereby REVERSED and its April 30, 2010 ex parte temporary injunction and order for suspension of interstate parenting time is VACATED. At the time plaintiff filed her ex parte petition with the trial court there was an ongoing action regarding custody and visitation before the Cook County Circuit Court in Illinois. Plaintiff initiated the custody proceeding in Illinois and entered into a settlement wherein an agreed order was entered. The Illinois court did not determine that it lacked jurisdiction over the matter nor did it decline to exercise jurisdiction over the matter. The Illinois court reaffirmed that it maintained continuing jurisdiction over this custody dispute. Therefore, the St. Clair Circuit Court Family Division could not exercise jurisdiction over the matter or modify the Illinois court's orders regarding custody and visitation. 28 USC 1738A(a), (f), (g), (h); MCL 722.1203; *In re Clausen*, 442 Mich 648; 502 NW2d 649 (1993).

This order is to have immediate effect. MCR 7.215(F)(2).

This Court retains no further jurisdiction.



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

JUN 30 2010
Date

Sandra Schultz Mengel
Chief Clerk