

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **JRD Systems Inc v Executive Management Consultants Inc**
Docket No. **301148**
L.C. No. **2010-000218-CZ**

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

The claim of appeal is DISMISSED for lack of jurisdiction because it was not timely filed from a final order appealable of right. MCR 7.204(A). The order denying the motion to set aside the default judgment is not a final order appealable of right, *Allied Electric Supply Co Inc v Tenaglia*, 461 Mich 285, 288-289; 602 NW2d 572 (1999), nor did the filing of the motion to set aside toll the time for filing an appeal from the default judgment because the motion was not filed within 21 days of the default judgment. MCR 7.204(A)(1)(b); *Allied Electric, supra*. At this time, appellant may seek to appeal 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

DEC - 6 2010

Date

Sandra Schultz Mengel
Chief Clerk