

Court of Appeals, State of Michigan

ORDER

Citibank South Dakota NA v Robert F Ponte

Docket No. 308163

LC No. 11-000999-CK

Donald S. Owens
Presiding Judge

William C. Whitbeck

Pat M. Donofrio
Judges

The Court orders that the motion for reconsideration is GRANTED. The order dated February 7, 2012, is VACATED insofar as it dismissed the claim of appeal and denied appellant's motion to consolidate, and the claim of appeal is REINSTATED. The claim of appeal is recognized as properly taken from the circuit court's judgment dated October 19, 2011 and entered in the circuit court register of actions on October 21, 2011 despite the erroneous reference to a November 23, 2011 amended judgment in the claim of appeal. Accordingly, the claim of appeal was timely filed under MCR 7.204(A)(1)(b) as it was filed within 21 days after entry of the November 23, 2011 order denying the timely filed motion for reconsideration of the October 19, 2011 judgment.

Further, appellant's motion to consolidate this appeal with Court of Appeals Docket Nos. 307664, 308159, 308160, and 308161 is GRANTED.

The time for filing appellant's brief on appeal under MCR 7.212(A)(1) as to the present appeal in Docket No. 308163 shall be calculated as if the claim of appeal had been filed on the date of this order. We note this does not extend the time for filing appellant's briefs on appeal in the consolidated appeals.



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

APR 16 2012

Date

Larry S. Royster
Chief Clerk