

Court of Appeals, State of Michigan

ORDER

Deborah Six v Ilia Arnold

Docket No. 311093

LC No. 2010-028212-NH

Donald S. Owens
Presiding Judge

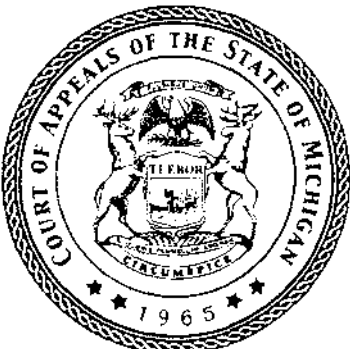
William C. Whitbeck

Patrick M. Meter
Judges

The Court orders that the motion to dismiss this appeal pursuant to MCR 7.211(C)(2)(b) is DENIED because we conclude that the circumstances do not warrant the harsh sanction of dismissal, particularly where the docketing statement was actually filed over seven months prior to the filing of the motion to dismiss, it appears that appellants did not receive actual notice of the filing of the trial transcripts in a timely manner, and the failure to order a copy of the May 29, 2012 motion hearing transcript may have related to the initial pro per filing of the claim of appeal.

The motion to remove this case from the involuntary dismissal docket and to extend time to file appellants' brief on appeal is GRANTED.

On the Court's own motion, within 14 days of the Clerks' certification of this order, appellants shall order the transcript of the proceedings held on May 29, 2012, and shall secure the filing of a stenographer's certificate acknowledging receipt of the transcript order. MCR 7.210(B)(1)(a) and (3)(a). The time for filing appellants' brief shall be calculated under MCR 7.212(A)(1)(a)(iii) starting from the date of filing of the May 29, 2012 transcript with the trial court.



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

APR 24 2013

Date


Chief Clerk