

Court of Appeals, State of Michigan

ORDER

Deborah Six v Ilia Arnold

Docket No. 311093

LC No. 2010-028212-NH

Patrick M. Meter
Presiding Judge

Peter D. O'Connell

Donald S. Owens
Judges

The Court orders that the renewed motion to dismiss this appeal filed on July 19, 2013 is DENIED. First, appellants filed a copy of the March 23, 2012 order appealed from with this Court on July 27, 2012. Also, the claim that appellants failed to timely file their brief on appeal by July 11, 2013 has been negated by this Court's July 26, 2013 order granting the motion to extend the time for filing that brief until September 5, 2013. Finally, while it does appear that appellants ordered the May 29, 2012 transcript one day beyond the 14-day period set by this Court's April 24, 2013 order, that minor failing does not warrant the harsh sanction of dismissal. In this regard, we note that, while MCR 7.211(C)(2)(b) allows a motion to dismiss to be brought based on an appellant's failure to pursue an appeal in conformity with the rules, this does not mean that any failure to perfectly pursue an appeal in conformity with the rules warrants dismissal given that the court rules specifically provide for lesser sanctions for failing to meet court rule requirements. See, e.g., MCR 7.212(A)(4).



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

SEP 19 2013

Date

Chief Clerk