

Court of Appeals, State of Michigan

ORDER

Karen LaFramboise v Roscommon Area Public Schools

Docket No. **318231**

LC No. **12-000039**

David H. Sawyer, Chief Judge Pro Tem, acting under MCR 7.211(E)(2), orders:

The motion for reconsideration is GRANTED. The order dated November 6, 2013, is VACATED. In lieu of dismissing the claim of appeal, it is treated as an application for leave to appeal. Within 21 days of the date of this order, appellant shall file a brief in support of the application for leave to appeal. Appellant shall also file all items required by MCR 7.205(B) that have not already been filed with this Court, including the State Tenure Commission register of actions. Appellee may file an answer to the brief in support of the application within 21 days after service of that brief. See MCR 7.205(C). If appellee files such an answer, appellant may file a reply brief in accordance with MCR 7.205(D) and MCR 7.212(G). Thereafter, decision on the application will proceed under MCR 7.205(E).

The Court notes that it has well-established authority to treat a claim of appeal as an application for leave to appeal. See, e.g., *Wardell v Hincka*, 297 Mich App 127, 133 n 1; ___ NW2d ___ (2012). Doing so is not contrary to *Gunderson v Rose Hill Realty*, 136 Mich App 559, 564; 357 NW2d 718 (1984), because the Court is not extending the time for filing an appeal in this Court but rather is exercising its authority to treat a claim of appeal filed within the time limit provided by MCL 38.104(7) as an application for leave to appeal.



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

FEB 11 2014

Date


Chief Clerk