

# Court of Appeals, State of Michigan

## ORDER

Arthur H Oesch v Stacy M Oesch

Docket No. 320027

LC No. 11-002706-CH

Elizabeth L. Gleicher  
Presiding Judge

Joel P. Hoekstra

Deborah A. Servitto  
Judges

The Court orders that the motion for reconsideration is DENIED. Even assuming the motion to set aside the default judgment should be deemed timely filed under 11 USC 108(c) that would not make the claim of appeal timely filed as to the default judgment. Rather, to have been timely, the claim of appeal would need to have been filed within 21 days after entry of the December 4, 2013 order denying the motion to set aside the default judgment, MCR 7.204(A)(1)(b), as extended to December 26, 2013 by the Christmas holiday, MCR 1.108(1). However, the claim of appeal was not filed until January 23, 2014. Whether the circuit court erred in its interpretation of 11 USC 108(c) is immaterial to this jurisdictional issue. We note that appellant is free to file a delayed application for leave to appeal the December 4, 2013 order and could address that issue in such a delayed application.



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

MAY 13 2014

Date

  
Chief Clerk