

Court of Appeals, State of Michigan

ORDER

Emily R. Varran v Peter J. Granneman

Docket No. 322437

LC No. 03-000271-DC

William B. Murphy, Chief Judge, acting under MCR 7.203(F)(1), orders:

The claim of appeal as to the May 30, 2014 order regarding grandparenting time schedule and the May 30, 2014 order denying defendant's request for stay pending appeal is **DISMISSED** for lack of jurisdiction because the orders are not appealable of right. MCR 7.202(6)(a); MCR 7.203(A).

The order regarding grandparenting time schedule is not a final order under MCR 7.202(6)(a)(iii) because it is not an order affecting custody within the meaning of that court rule provision. MCR 7.202(6)(a)(iii), which is directed at postjudgment orders in domestic relations actions, must reasonably be considered to use the term "custody" as it is used in Michigan domestic relations law and, thus, cannot reasonably be considered to extend to orders that merely set forth the grandparenting time schedule without affecting custody under our domestic relations law. See, e.g., *Pierron v Pierron*, 486 Mich 81, 85-86; 782 NW2d 480 (2010) (discussing that adjustments to parenting time do not necessarily affect established custodial environment). This is true regardless of whether the May 30, 2014 order might affect custodial rights as discussed in constitutional case law.

The order denying the motion for stay is not a final judgment or final order of the circuit court, or court of claims, as defined in MCR 7.202(6), nor does it fall under any of the exceptions listed under MCR 7.203(A)(1)(a) and (b).

At this time, appellant may seek to appeal these orders by filing a delayed application for leave to appeal under MCR 7.205(G).



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

JUL 16 2014

Date

Chief Clerk