

Court of Appeals, State of Michigan

ORDER

Samuel K Rosenberg v Fela B Rosenberg

Docket No. 323747

LC No. 2007-730350-DO

Mark J. Cavanagh
Presiding Judge

Henry William Saad

Elizabeth L. Gleicher
Judges

Pursuant to MCR 7.205(E)(2), the Court orders that the February 11, 2014, opinion and order is REVERSED in part. Because defendant sought to enforce the consent judgment of divorce and did not seek relief from judgment, MCR 2.612(C)(2) was inapplicable. In addition, plaintiff's disability insurance policy was an asset that he failed to disclose, either intentionally or unintentionally, during discovery, and defendant had no reason to suspect such nondisclosure or otherwise move to compel discovery. Accordingly, we REVERSE the circuit court's opinion and order in part and remand for the court to reopen the issue of property division and "determine and resolve the distribution of [the] previously undisclosed asset[]" in accordance with the "FULL DISCLOSURE" provision of the consent judgment of divorce. In all other respects, the delayed application for leave to appeal is DENIED for lack of merit in the grounds presented.

This Court retains no further jurisdiction.



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

APR - 9 2015

Date

Chief Clerk