

Court of Appeals, State of Michigan

ORDER

Beverly J Hatfield v Home-Owners Insurance Company

Docket No. 324570

LC No. 12-914685-NO

Kirsten Frank Kelly
Presiding Judge

Jane E. Markey

Michael J. Riordan
Judges

The Court orders that the motion for reconsideration is DENIED. The claim of appeal cannot be deemed timely under the literal language of MCR 7.204(A)(3) because the supporting affidavit was not provided with the claim of appeal but only with the present motion and because, according to the motion and affidavit, appellant never received service of the signed judgment in question, so the claim of appeal was not filed within 14 days *after* such service. Further, the evident purpose of MCR 7.204(A)(3) of allowing a fair opportunity for filing a claim of appeal where service is delayed is not implicated because appellant surely knew of entry of the June 18, 2014 judgment by the time it filed its motion for a new trial or remittitur in the trial court but failed to timely file a claim of appeal in this Court after entry of the September 18, 2014 order denying that motion.



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

MAR 03 2015

Date


Chief Clerk