

Court of Appeals, State of Michigan

ORDER

Mary Elizabeth May v Gary Lee May

Docket No. 328493

LC No. 15-037719-DO

Michael J. Riordan
Presiding Judge

Michael J. Talbot

Cynthia Diane Stephens
Judges

The Court orders that the motion for peremptory reversal is GRANTED. Under the mandatory language of MCR 2.002(C), where a party shows that he or she receives public assistance, the payment of fees as to that party "shall" be suspended. See *Meece v Meece*, 223 Mich App 344, 347; 566 NW2d 310 (1997). At the hearing, plaintiff testified that she receives public assistance.

Further, the record does not reflect that the defendant, who has moved out of state, has the ability to pay the required filing fees.

We therefore REMAND to the Monroe Circuit Court for it to enter an order that the payment of fees and costs should be waived for this case.

The Court retains no further jurisdiction.

[Faint signature of Michael J. Riordan]
Presiding Judge



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

NOV 13 2015

Date

[Signature of Jerome W. Zimmer Jr.]
Chief Clerk