

Court of Appeals, State of Michigan

ORDER

Melanie Rowe v Thomas Waller

Docket No. **329922**

LC No. **08-155070-DS**

Michael J. Talbot, Chief Judge, acting under MCR 7.203(F)(1), orders:

The claim of appeal is DISMISSED for lack of jurisdiction because the October 8, 2015 order appealed from is not a final order as defined in MCR 7.202(6). MCR 7.203(A)(1). The postjudgment order regarding the elementary school that the parties' child will attend and modification of the parenting time schedule cannot be considered an order affecting the custody of a minor under MCR 7.202(6)(a)(iii). As previously noted by this Court, there was an established custody environment with both plaintiff and defendant, see *Rowe v Waller*, unpublished per curiam opinion of the Court of Appeals, issued June 16, 2015 (Docket No. 324874), slip op at 3, such that the trial court's order did not affect the custody of the parties' son. At this time, appellant may seek to appeal the October 8, 2015, order only 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

NOV 12 2015

Date


Chief Clerk