

Court of Appeals, State of Michigan

ORDER

Brian Stockman v Basic Industrial Recycling

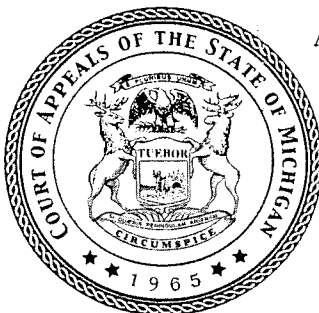
Docket No. **340206**

LC No. **2015-003948-NO**

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

The claim of appeal is **DISMISSED IN PART** for lack of jurisdiction as to the May 25, 2017, order granting summary disposition because this Court lacks jurisdiction over that order. MCR 7.204(A) provides that the time for filing an appeal of right is jurisdictional. Under MCR 7.204(A)(1), an appeal of right must be filed within 21 days after entry of the order being appealed from or within 21 days after entry of an order deciding a motion for post-judgment relief, **provided** the motion for postjudgment relief was filed within the initial 21-day appeal period. In this case, the claim of appeal was not filed within 21 days of the May 25, 2017, order. Further, the postjudgment motion was not filed within 21 days after entry of the final order appealed from. The register of actions indicates that the order appealed from was entered on May 25, 2017, and the motion for reconsideration was not filed until June 16, 2017, 22 days after entry of the final order. The claim of appeal was not filed until September 18, 2017. Because the claim of appeal was not filed within 21 days of the May 25, 2017, order and the motion for postjudgment relief was not filed within the initial 21-day period, the Court lacks jurisdiction over the May 25, 2017, summary disposition order. MCR 7.204(A)(1).

The claim of appeal remains pending with regard to the award of attorney fees and/or costs provision contained in the August 28, 2017, order. With regard to this order, the claim of appeal was timely filed. MCR 7.204(A)(1).



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

NOV - 7 2017

Date


Chief Clerk