

**Court of Appeals, State of Michigan**

**ORDER**

**Daniel William Rudd v Andrea Joy Averill**

Docket No. **340853**

LC No. **07-036874-DM**

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Michael J. Talbot, Chief Judge, acting under MCR 7.203(F)(1) and MCR 7.211(E)(2), orders:

The motion to waive fees is GRANTED for this case only.

The claim of appeal filed on October 30, 2017 is DISMISSED for lack of jurisdiction because the portions of the August 25, 2017 order that are not related to attorney costs and fees are not appealable by right. The August 25, 2017 postjudgment order is not the *first* judgment or order disposing of all the claims and adjudicating the rights and liabilities of the parties in this case, MCR 7.202(6)(a)(i). Further, the portions of the August 25, 2017 postjudgment order, which denied judicial disqualification, denied contempt proceedings, referred issues of child support to the Friend of the Court, and noted that all issues attendant to an April 5, 2012 motion regarding custody and parenting time were fully litigated and decided, are not postjudgment decisions that *affect the custody of a minor child*, MCR 7.202(6)(a)(iii). Appellant may seek to appeal those portions of the August 25, 2017 order only by filing a delayed application for leave to appeal under MCR 7.205(G). Appellant's challenge to the attorney costs and fees portions of the August 25, 2017 order remain pending on appeal in Docket No. 340135.



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

**NOV - 7 2017**

Date

  
Chief Clerk