

# Court of Appeals, State of Michigan

## ORDER

Kimberly Marie Marik v Peter Brian Marik

Docket No. 333687

LC No. 2011-000651-DM

Michael J. Kelly  
Presiding Judge

Mark J. Cavanagh

Deborah A. Servitto  
Judges

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The Michigan Supreme Court remanded this matter for reconsideration of the question whether the Macomb Circuit Court's June 13, 2016 order denying the defendant father's request to change the children's school enrollment and modifying parenting time is a postjudgment order affecting the custody of a minor and therefore, is a final order appealable of right. MCR 7.202(6)(a)(iii); MCR 7.203(A). The Supreme Court having determined that the term "custody" in MCR 7.202(6)(a)(iii) compromises legal custody, *Marik v Marik*, \_\_\_ Mich \_\_\_; 903 NW2d 194 (2017), we find the order appealed from here to be a final order under MCR 7.202(6)(a)(iii) because it denied a motion that, if granted, would have affected legal custody of the parties' children by ending shared decision-making authority as to important decisions affecting the welfare of their children. See MCL 722.26a(7). Therefore, the Court orders that this appeal continues as an appeal of right.

The time for filing appellant's brief shall run in accordance with MCR 7.212(A)(1)(a)(i) from the date of the clerk's certification of this order.



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

FEB 23 2018

Date

Chief Clerk