

Court of Appeals, State of Michigan

ORDER

Dustin Lee MacLeod v David J Gilbert

Docket No. 343583

LC No. 2017-013764-NM

Amy Ronayne Krause
Presiding Judge

Peter D. O'Connell

Brock A. Swartzle
Judges

On the Court's own motion, in lieu of dismissing the claim of appeal for lack of jurisdiction because it was not timely filed after entry of the April 9, 2018 circuit court order denying the motion for reconsideration of the January 16, 2018 circuit court order, MCR 7.204(A)(1)(a)-(b), the Court ORDERS that the claim of appeal is treated as a delayed application for leave to appeal. The Court further ORDERS that the delayed application for leave to appeal is DENIED for lack of merit.

The motion to extend time for filing brief on appeal is DENIED as moot.

The motion to participate in oral argument is DENIED because there is no oral argument on an application for leave to appeal. MCR 7.205(E)(1).

The motion to waive copy requirements is GRANTED TO THE EXTENT that appellant is not required to file additional copies of the brief in support of the delayed application for leave to appeal.

Ronayne Krause, J., concurs with treating the claim of appeal as a delayed application for leave to appeal, but dissents from denying the delayed application on the merits at this point rather than allowing the delayed application to proceed to consideration in the ordinary course with the ability of appellee to file an answer and appellant to file a reply brief before a decision is made as to whether the delayed application should be granted. See MCR 7.205(C)-(E).



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

JUL 31 2018

Date


Chief Clerk