

Court of Appeals, State of Michigan

ORDER

Ara J Darakjian v Rafael Frederico Luciano

Docket No. **350628**

LC No. **2016-152458-CB**

Christopher M. Murray, Chief Judge, acting under MCR 7.203(F)(1), orders:

The claim of appeal is DISMISSED for lack of jurisdiction because it was not timely filed from a final order appealable of right. MCR 7.204(A). The order denying the motion to set aside the default judgment is not a final order appealable of right; rather, the final order in the case is the default judgment. *Allied Electric Supply Co Inc v Tenaglia*, 461 Mich 285, 288-289; 602 NW2d 572 (1999). The claim of appeal was not filed within 21 days of the final order, the default judgment, as required by MCR 7.204(A)(1)(a). Further, the motion to set aside the default judgment was not timely filed within 21 days after the entry of the default judgment. The motion to set aside the default judgment was filed approximately three years after the default judgment was entered. Therefore, the claim of appeal may not be timed from the entry of the order denying the motion to set aside the default. MCR 7.204(A)(1)(b).



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

OCT 04 2019

Date


Chief Clerk