

Court of Appeals, State of Michigan

ORDER

Eric Alan Wenzlick v Laura Ann Meisel

Docket No. **352171**

LC No. **2017-002146-DM**

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

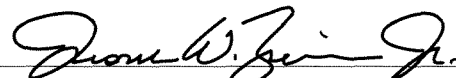
The claim of appeal is DISMISSED for lack of jurisdiction because the December 17, 2019 order is not a final order appealable of right. MCR 7.202(6)(a); MCR 7.203(A). That order is not a final order under MCR 7.202(6)(a)(iii) because it does not grant a motion to change custody of the parties' minor child, but merely a motion to modify parenting time. In this regard, even assuming that the holding in *Lieberman v Orr*, 319 Mich App 68, 71 n 1; 900 NW2d 130 (2017), regarding the order appealed from in that case being a final order under the former version of MCR 7.202(6)(a)(iii) remains controlling as to the current version of MCR 7.202(6)(a)(iii), it is inapplicable in the present context. The modification of parenting time in the present case in which appellant remains by far the primary physical custodian is not fairly comparable to the change in *Lieberman* which had the effect of altering which parent was the primary physical custodian. See *Lieberman*, 319 Mich App 85-86. Dismissal is without prejudice to the filing of a late application for leave to appeal under MCR 7.205(G), provided such a filing meets all requirements under the court rules and is not time-barred.



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

JAN 29 2020

Date



Chief Clerk