

# Order

Michigan Supreme Court  
Lansing, Michigan

June 6, 2008

Clifford W. Taylor,  
Chief Justice

135788

Michael F. Cavanagh  
Elizabeth A. Weaver  
Marilyn Kelly  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman,  
Justices

MARC HERSCHFUS,  
Plaintiff/Counter Defendant-  
Appellant,

v

SC: 135788  
COA: 278016  
Oakland CC: 2002-665043-DM

TONYA HERSCHFUS,  
Defendant/Counter Plaintiff-  
Appellee.

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On order of the Court, the application for leave to appeal the December 27, 2007 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we REMAND this case to the trial court for entry of an order setting a parenting time schedule that accommodates the plaintiff's religious observances in accordance with the parties' agreement regarding the child's upbringing. In all other respects, leave to appeal is DENIED, because we are not persuaded that the remaining question presented should be reviewed by this Court.

CORRIGAN, J., dissents and states as follows:

In this highly acrimonious child-custody case, I would deny leave to appeal rather than remand the case to the trial court to set a new parenting-time schedule. This tragic record reflects that both parties have used this litigation as a tool to mount continuing, ugly attacks on one another. Their destructive behavior has served only to prolong this case to the obvious detriment of their son. I urge that, in lieu of continuing their harmful behavior, the parties on remand behave in the best interest of their son. I fear that our remand order provides a platform for these parties to lob their grievances against one another yet again.

WEAVER, J., joins the statement of CORRIGAN, J.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

June 6, 2008

*Corbin R. Davis*

Clerk