

## IN THE MICHIGAN COURT OF APPEALS

### ORDER

Re: **Paragon Bank & Trust v West Michigan Waste Reduction LLC**  
Docket No. **275503**  
L.C. No. **06-007172-CK**

William C. Whitbeck, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10), orders:

The claim of appeal is DISMISSED for lack of jurisdiction because the motion to set aside the default judgment, which was filed on October 12, 2006, was not filed within 21 days of the September 19, 2006 final order as required by MCR 7.204(A)(1)(b). It is the default judgment that is the final order, not the order denying the motion to set aside the default judgment. See *Allied Electric v Tenaglia*, 461 Mich 285 (1999). The Court would further note that this is not a situation where the defendants could not file a motion to set aside the default judgment within the required 21 day period since an appearance was filed on behalf of the defendants on September 28, 2006. At this point the defendants can only appeal by filing an application for delayed appeal under MCR 7.205.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JAN 19 2007

Date

*Sandra Schultz Mengel*  
Chief Clerk