

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Francine R Wunder v David L Wunder**
Docket No. **276771**
L.C. No. **2005-705807-DM**

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

The claim of appeal from the February 21, 2007 order awarding attorney fees and costs in a postjudgment parenting time dispute is **DISMISSED** for lack of jurisdiction since the order is not appealable as a matter of right to this Court. MCL 7.202(6)(a)(iv) and 7.203(A)(1). Per its plain language, MCR 7.202(6)(a)(iv) allows an appeal of right from a postjudgment order allowing or denying the recovery of fees and costs owed as case evaluation sanctions, offer of judgment sanctions, or other costs and attorney fees recoverable by the prevailing party as recompense for money spent to litigate the matter to judgment instead of settling it at a pretrial stage as well as the recovery of statutory attorney fees and costs (e.g., Consumer Protection Act, MCL 445.911(2)). The mere fact that the rule also includes a general statement of "other law or court rule" does not expand its scope to all postjudgment orders awarding attorney fees since the doctrine of *ejusdem generis* provides that, if a law contains general words following an enumeration of particular subjects, those general words are presumed to include only things of the same kind, class, character, or nature as the subjects enumerated. *Sands Appliance Services, Inc v Wilson*, 463 Mich 231, 242; 615 NW2d 241 (2000). If appellant still wants to challenge the February 2007 order, he must file a delayed application for leave to appeal. MCR 7.203(B)(1) and 7.205(F)(1).



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

MAR 29 2007

Date

Sandra Schultz Mengel
Chief Clerk