

# IN THE MICHIGAN COURT OF APPEALS

## ORDER

Re: **Michael E Bruner v Shawn David**  
Docket No. **277025**  
L.C. No. **2001-652678-DO**

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 7, 2007 order is DISMISSED for lack of jurisdiction. This Court lacks jurisdiction over that portion of the order that awarded damages to plaintiff and that portion of the order that required appellant to return some stolen property since these portions constitute a postjudgment order in a domestic relations action that does not affect the custody of a minor. MCL 7.202(6)(a)(iii) and 7.203(A)(1). This Court also lacks jurisdiction over that portion of the order that awarded of attorney fees as sanctions since the plain language of MCR 7.202(6)(a)(iv) only 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 such as those found in 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 the rule's 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 our Supreme Court had intended to extend an appeal of right to all postjudgment orders awarding attorney fees, the Court could have easily done so when it added MCR 7.202(6)(a)(iv) to the court rules. If appellant still wants to challenge the February 2007 order, she 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

APR - 5 2007

Date

*Sandra Schultz Mengel*  
Chief Clerk