

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Carpet Workroom Inc v Health By Design Inc**
Docket No. **282314**
L.C. No. **2006-076534-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 since appellants failed to file their motion to set aside within 21 days of the entry of the April 4, 2007 default judgment. MCR 7.202(6)(a)(i), 7.203(A)(1), 7.204(A), and 7.204(A)(1)(b). See also *Allied Electric Supply Co v Tenaglia*, 461 Mich 285, 288-289; 602 NW2d 572 (1999) (an order denying a motion to set aside a default judgment is not a final order appealable as a matter of right, so a party may only claim an appeal if the motion was filed within 21 days of the default judgment's entry). If appellants still want to challenge the orders below, they must file a delayed application for leave to appeal. MCR 7.203(B)(5) and 7.250(F)(1).



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

DEC 27 2007

Date

Sandra Schultz Mengel

Chief Clerk