

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Nationwide Mut Fire Ins Co v David Kersh**
Docket No. **284903**
L.C. No. **2004-061786-CZ**

Henry William Saad, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10), orders:

The claim of appeal from the April 2, 2008 order denying appellant's motion for rehearing on motion to disqualify [the Oakland Circuit Court Chief Judge], to order SCAO [sic] to appoint a judge to hold a de novo review hearing and to set aside [the December 10, 2007] default judgment is DISMISSED for lack of jurisdiction because appellant cannot claim an appeal of right from an order denying a motion for reconsideration, *Nye v Gable, Nelson & Murphy*, 169 Mich App 411, 415; 425 NW2d 797 (1988), or an order denying a motion to set aside a default judgment that was filed more than 21 days after the judgment's entry, *Allied Electric Supply Co v Tenaglia*, 461 Mich 285, 288; 602 NW2d 572 (1999).

The claim of appeal from the March 12, 2008 order denying appellant's motion to set aside the December 10, 2007 default judgment and for other relief is DISMISSED for lack of jurisdiction because appellant cannot claim an appeal from an order denying a motion to set aside a default judgment that was filed more than 21 days after the judgment's entry. *Allied Electric*, 461 Mich at 288. If appellant had filed his claim within 21 days of the entry of the January 30, 2008 order denying his motion to set aside the December 2007 default judgment, this Court could have accepted it. MCR 7.202(6)(a)(i), MCR 7.203(A)(1), MCR 7.204(A), and MCR 7.204(A)(1)(b).



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

JUL 10 2008

Date

Sandra Schultz Mengel

Chief Clerk