

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Keh Chung Liu v Randall Shepard**
Docket No. **285098**
L.C. No. **2006-079661-NM**

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

The motion to waive fees is GRANTED for this case only.

The claim of appeal from the April 2, 2008 order that denied appellant's motion to set aside the February 20, 2008 default judgment is DISMISSED for lack of jurisdiction. Case law once allowed a party to file a claim of appeal from this type of order no matter when the party filed the motion. *General Electric Credit Corp v Northcoast Marine, Inc*, 402 Mich 297; 262 NW2d (1978), rev'd *Allied Electric Supply Co*, 461 Mich 285, 288-289; 602 NW2d 572 (1999). The adoption of the final order rule, however, overruled this case law. *Allied Electric, supra* at 288-289. The court rules required appellant to file the motion to set aside the February 20, 2008 default judgment no later than March 12, 2008. MCR 7.202(6)(a)(i), MCR 7.203(A)(1), MCR 7.204(A), and MCR 7.204(A)(1)(b). Because appellant waited until March 24, 2008 to file his motion, this Court lost jurisdiction to accept his appeal of right. *Id.*



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

JUN 11 2008

Date

Sandra Schultz Mengel

Chief Clerk