

**IN THE MICHIGAN COURT OF APPEALS**

**ORDER**

Re: **Edward Moussawer v Apollo Building Company Inc**  
Docket No. **301477**  
L.C. No. **2009-100030-NO**

William B. Murphy, Chief Judge, acting under MCR 7.203(F)(1), orders:

The claim of appeal is DISMISSED for lack of jurisdiction because it was not timely filed from a final order appealable of right. MCR 7.204(A). The order denying the motion to set aside the default judgment is not a final order appealable of right; rather, the final order in the case is the default judgment. *Allied Electric Supply Co Inc v Tenaglia*, 461 Mich 285, 288-289; 602 NW2d 572 (1999). As such, the motion for reconsideration of the order denying the motion to set aside did not toll the time for filing an appeal because that order was not a final order appealable of right. MCR 7.204(A)(1)(b); *Allied Electric, supra*. At this time, appellant may seek to appeal only by filing a delayed application for leave to appeal under MCR 7.205(F).



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

**JAN 19 2011**

Date

*Sandra Schultz Mengel*  
Chief Clerk