

Court of Appeals, State of Michigan

ORDER

John F Dugan IV v Citizens Bank

Docket No. 317807

LC No. 12-011046-NZ

Cynthia Diane Stephens
Presiding Judge

Kathleen Jansen

Donald S. Owens
Judges

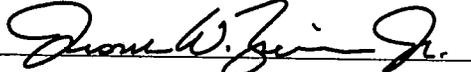
The Court orders that the motion for reconsideration is DENIED. The claim of appeal was not "filed" on August 6, 2013 within the meaning of the relevant court rule provisions because, due to its appropriate rejection by the e-filing system based on the credit card used for the attempted electronic filing (e-filing) being declined, that attempted e-filing on August 6, 2013 was not accepted by the Clerk's Office. MCR 7.202(4). We note that it appears manifest appellants' counsel did not check the e-filing queue on August 6, 2013 to see if the attempted e-filing had been accepted. Also, the claim of appeal was properly dismissed as untimely because the date of its actual filing on August 22, 2013 was more than 21 days after entry of the July 16, 2013 order appealed from. MCR 7.204(A)(1)(a). Because the time limit for filing an appeal of right is jurisdictional, MCR 7.204(A), we cannot extend the time for filing a claim of appeal under MCR 7.216(B) which is limited to nonjurisdictional acts. Further, we do not consider it appropriate to apply MCR 7.216(A)(7) to extend the time for filing a claim of appeal because doing so would render meaningless the limitation of MCR 7.216(B) to nonjurisdictional acts.



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

DEC 03 2013

Date


Chief Clerk