

Court of Appeals, State of Michigan

ORDER

Lance N Lemmen v Barbara Lemmen

Docket No. 279832

LC No. 04-048561-DM

Michael R. Smolenski
Presiding Judge

Richard A. Bandstra

Jane E. Markey
Judges

The motions for immediate consideration are GRANTED.

The motion for immediate reassignment to a different trial court judge is DENIED.

The Court orders that the motion for enforcement of stay of proceedings is GRANTED, with qualification. MCR 7.208(A) divests the trial court of jurisdiction to revisit any matter determined in the judgment of divorce and, thereby, deprives the court of jurisdiction to set aside or amend the judgment or any provision contained therein, except where the circumstances identified in MCR 7.208(A)(1)-(4) or (B)-(I) are present. *Bass v Combs*, 238 Mich App 16, 24; 604 NW2d 727 (1999). Further, the September 21, 2007 order of this Court staying lower court proceedings bars the trial court from entertaining any motion concerning the effect or enforceability of the judgment. MCR 7.209(A)(1); *Bass*, 238 Mich App at 24. Pursuant to the September 21, 2007 order of this Court, the trial court is directed not to entertain any motions, the resolution of which will result in the setting aside or modification of any provision of the divorce judgment, with the exclusion of the provisions governing child and spousal support, pending the resolution of this appeal or further order of this Court. The September 21, 2007 order does not deprive the trial court of the jurisdiction to revisit the issues of child or spousal support. MCR 7.208(A)(4); MCL 552.17(1); MCL 552.28.

The motion to file reply to appellee's responsive brief is GRANTED and the reply filed with the motion is accepted.

This order has immediate effect. MCR 7.215(F)(2).



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

OCT 29 2007

Date

Sandra Schultz Mengel
Chief Clerk