

Court of Appeals, State of Michigan

ORDER

Angela Kay Hindes v Matthew Allan Hindes

Docket No. 323138

LC No. 09-034709-DM

Michael J. Riordan
Presiding Judge

Michael J. Talbot

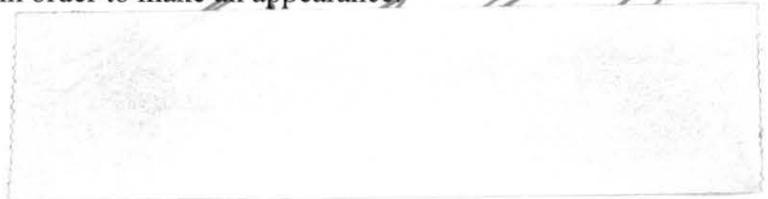
Kurtis T. Wilder
Judges

The Court orders that the motion for immediate consideration is GRANTED.

The stay provision of the Servicemembers Civil Relief Act (SCRA), 50 USC 522, applies to this case. Defendant satisfied the conditions required to obtain a stay, 50 USC 522(b)(2), and the court was therefore required to issue a stay of not less than 90 days. 50 USC 522(b)(1). Defendant's documentation requested a stay until October 22, 2014. While on June 22, 2014, the trial court entered an order staying proceedings "until October 22, 2014 or until such time as Defendant . . . is available as determined under the requirements of the SCRA," it erroneously continued to hold hearings on this matter relating to parenting time. Only because defendant, through his trial counsel, has conceded plaintiff's entitlement to parenting time in accordance with the trial court's December 11, 2013 order, and, through counsel, also has agreed to other matters pertaining to the facilitation of parenting time, which are reflected in the trial court's July 25, 2014 order, no other action is warranted at this time. Therefore, the application for leave to appeal that order is DENIED.

For the reasons set forth, the motion for peremptory reversal pursuant to MCR 7.211(C)(4) also is DENIED.

The Court further orders that in accordance with SCRA, all further trial court proceedings in this matter are STAYED until October 22, 2014. We caution the trial court to refrain from holding any additional hearings on this matter over defendant's objection until defendant returns from his deployment and is granted leave from military duty in order to make an appearance.



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

AUG 29 2014

Date

Jerome W. Zimmer Jr.
Chief Clerk