

Court of Appeals, State of Michigan

ORDER

Sandra Nass v Christopher Nass

Docket No. 335586

LC No. 13-258831-DM

Jane E. Markey
Presiding Judge

Douglas B. Shapiro

Mark T. Boonstra
Judges

Pursuant to MCR 7.205(E)(2), in lieu of granting the application for leave to appeal, the Court PEREMPTORILY REVERSES the August 29, 2016 ruling of the trial court, VACATES the trial court's August 29, 2016 order that effectuates that ruling as well as that portion of the October 17, 2016 order that denies reconsideration of the August 29th ruling and REMANDS this matter to the Muskegon Circuit Court for reconsideration of defendant's motion in light of *Pierron v Pierron*, 486 Mich 81; 782 NW2d 480 (2010). The trial court committed a clear legal error on a major issue when it failed to assess the merits of defendant's motion under the rubric set forth in *Pierron*. *Id.* at 85. This order has immediate effect. MCR 7.215(F)(2). The Court does not retain jurisdiction.

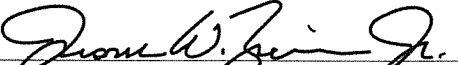
Boonstra, J. (concurring). While I am convinced that the trial court reached the correct outcome on the record before it, I also am persuaded that the trial court failed to adequately follow the procedural dictates of MCL 722.23 (requiring "the sum total of the ... factors to be considered, evaluated, and determined by the court") and *Pierron v Pierron*, 486 Mich 81, 91; 782 NW2d 480 (2010) ("[W]e hold that when a trial court is considering a decision that will not modify the established custodial environment, such as the change-of-school issue in this case, it must consider the applicability of all the factors. However, if the trial court determines that a particular factor is irrelevant to the immediate issue, it need not make substantive factual findings concerning the factor beyond this determination, but need merely state that conclusion on the record.").



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

MAR - 3 2017

Date


Chief Clerk