Court of Appeals, State of Michigan

ORDER

MICHAEL R SAIIA V SEAN MICHAEL KASS

Docket No. 378501

LC No. 2024-032370-CZ

Kirsten Frank Kelly
Presiding Judge

Christopher P. Yates

Allie Greenleaf Maldonado
Judges

The motion for immediate consideration of the motion for reconsideration of this Court's December 8, 2025 order dismissing this appeal is DENIED in light of appellant's motion for leave to file reply to the answer to the motion for reconsideration effectively precluding immediate consideration of the motion for reconsideration.

Appellant's motion for leave to file reply to the answer to the motion for reconsideration is GRANTED.

The motion for reconsideration is GRANTED. The December 8, 2025 order is VACATED (except as to granting appellant's motion to waive fees), and the claim of appeal is REINSTATED. The "filed 11-12-25" notation for the opinion and order appealed from in the trial court register of actions logically indicates that – despite the "11/06/2025" designation in the register of actions which in isolation would suggest the entry was made on November 6, 2025 – the entry was actually made on November 12, 2025 (at the earliest). For purposes of the timeliness of a claim of appeal in this Court the date of "entry" of an order appealed from includes "the date that data entry of the judgment or order is accomplished in the issuing tribunal's register of actions." MCR 7.204(A). Thus, the claim of appeal was timely filed within 21 days after entry of the order appealed from. MCR 7.204(A)(1)(a). It is also apparent that the order appealed from is appealable of right. MCR 7.202(6)(a)(i); MCR 7.203(A)(1).

The motion for stay and related motion for immediate consideration are REINSTATED and shall be referred to a motion panel of this Court for a decision.

Presiding Judge

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

December 26, 2025
Date

Chief Clerk