

Court of Appeals, State of Michigan

ORDER

MICHELLE KUFTA V JOSHUA HANLEY

Docket No. 381782

LC No. 2026-001458-DC

Kristina Robinson Garrett
Presiding Judge

Colleen A. O'Brien

Allie Greenleaf Maldonado
Judges

The motion for immediate consideration is GRANTED.

Pursuant to MCR 7.205(E)(2), in lieu of granting the application for leave to appeal, the July 8, 2026 order denying plaintiff's objection to the referee's recommendation is VACATED and the matter is remanded for the trial court to hold a de novo hearing under MCL 552.507 and MCR 3.215(F)(2). The trial court committed clear legal error by denying plaintiff's objection to the referee's recommendation without holding a live hearing. Because plaintiff timely filed objections to the referee's recommendation and asked for a de novo hearing, she was entitled to a live hearing at which she could present evidence, subject to the trial court's reasonable restrictions. *Butters v Butters*, 342 Mich App 460, 469; 995 NW2d 558 (2022), vacated in part on other grounds 510 Mich 1096 (2022). The fact that the trial court did not believe that plaintiff identified any new evidence to present at a live hearing did not allow the trial court to do away with a live hearing. *Id.* The trial court shall hold the de novo hearing before it holds the custody hearing, which is currently scheduled for October 14, 2026. The trial court shall hold the de novo hearing and the custody hearing within 21 days from the date of the Clerk's certification of this order.

In all other respects, the application is DENIED for failure to persuade the Court of the need for immediate appellate review. This order does not preclude plaintiff from filing a motion for transfer under MCR 3.212 once all matters pending before the trial court are resolved.

To the extent plaintiff seeks relief other than vacatur of the July 8, 2026 order and a remand for a de novo hearing in the motion for peremptory reversal under MCR 7.211(C)(4), the motion is DENIED for failure to persuade the Court of the existence of manifest error requiring reversal and warranting peremptory relief without argument or formal submission.

The motion to remand is DENIED.

The motion to supplement pending application for leave to appeal, to add entered order after hearing, and to amend or add grounds for review is DENIED.

This order is to have immediate effect. MCR 7.215(F)(2).

We do not retain jurisdiction.

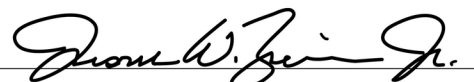


Presiding Judge



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

October 12, 2026
Date



Chief Clerk