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STATE OF MICHIGAN

COURT OF APPEALS

AMAL ALI GOOBA,

Plaintiff-Appellee,

V

MOHAMED Z. ALTAHERY,

Defendant-Appellant.

UNPUBLISHED
August 13, 2026
11:48 AM

No. 374778
Wayne Circuit Court
LC No. 23-102094-DM

Before: ACKERMAN, P.J., and BAZZI and LIEVENSE, JJ.

LIEVENSE, J., (*dissenting*).

I respectfully dissent because I believe we have jurisdiction in this case and should reach the merits of this appeal.

When divorce proceedings began, the home where plaintiff-wife and defendant-husband lived was titled in defendant's father's name. Plaintiff contested whether the home should be considered marital property for purposes of the divorce. After a bench trial, the trial court held that defendant had conspired with his father to defraud plaintiff out of her share of the home. It determined plaintiff had a 25% interest, defendant's father had a 50% interest, and defendant had a 25% interest in the home. The trial court's judgment then gave defendant two options: pay plaintiff her 25% "share" of the home's appraised value or sell the home and pay plaintiff 25% of the sale "proceeds."

Defendant filed a motion for reconsideration challenging the trial court's authority to include the latter option because his father was not a party to the case. The trial court denied the motion and defendant appealed, asserting this Court had jurisdiction under MCR 7.203, which covers appeals of right "filed by an aggrieved party."

On appeal, defendant raised two claims of error by the trial court: (1) error "in ordering the sale of a house owned" by a nonparty and (2) error in awarding "a share of real estate and sale of property."

Rather than address the merits, the majority sua sponte holds that we lack jurisdiction because, since defendant's reason for appealing is to protect his father's property interest,

"defendant identifies no harm that *he* has suffered and therefore has not shown that he is aggrieved by the court's decision."

The majority is correct that MCR 7.203(A) limits our jurisdiction to certain appeals "filed by an aggrieved party." It is also correct that "[a] party who could not benefit from a change in the judgment has no appealable interest." *Ford Motor Co v Jackson*, 399 Mich 213, 226; 249 NW2d 29 (1976).

Defendant is, therefore, an aggrieved party because, if he succeeds on appeal, he would benefit: he would not be required to sell his 25% interest in the home if he cannot afford to pay plaintiff her share, and he would not be required to pay plaintiff anything if we had found the trial court erred in awarding plaintiff a share in the home in the first place.[1]

The majority focuses on the defendant's desire to preserve his father's interest. The majority overlooks, however, that defendant too has a property interest in the home, and the trial court order obligates defendant to make a choice that impacts his interest: give plaintiff her 25% "share" of the home in cash, or sell the home and pay plaintiff 25% of the "proceeds." Defendant argues that one of those options is unlawful because a nonparty owns 50% of the home. Whether or not he is correct, just because the judgment gives defendant a choice between two options does not mean he is not aggrieved by the trial court's order. He is aggrieved because the order compels him to choose between two options when he believes he should not have to make that choice.

Also, the fact that defendant may be pursuing this appeal to protect his father's interest does not dictate whether he is "aggrieved." A litigant's *motivation* for appealing, similar to the issue of whether their claim of appeal has merit, does not dictate whether someone is "aggrieved" by a trial court's order. *Trademark Props of Mich, LLC v Fed Nat'l Mtg Ass'n*, 308 Mich App 132, 136; 863 NW2d 344 (2014) ("Standing in no way depends on the merits of the case.") (quotation marks and citation omitted).

Moreover, as referenced already, another problem with the majority's analysis is that it does not address that defendant also contests the trial court's finding that he conspired with his father to defraud plaintiff and its decision to award plaintiff a 25% interest in the home. Granted, defendant's brief is not perfectly written, but he challenges the trial court's factual findings regarding what happened with the home as being clearly erroneous, quoting *Cassidy v Cassidy*, 318 Mich App 463, 493-494; 899 NW2d 65 (2017), and outlines facts he believes support his

[1] The record is imprecise when describing what defendant owes plaintiff under the trial court's order. We do not know whether the home is subject to a mortgage or any other encumbrance. As a result, the trial court's order specified that plaintiff was to receive a 25% "share," which presumably means 25% of the equity in the home around the time of the divorce, not 25% of the full fair market value. This reading would be consistent with the trial court's alternative contested order that, if the home is sold, plaintiff would receive 25% of the "proceeds after sale expenses." Given the time that has passed and many other factors, the value of the property may have increased or decreased since the 2023 appraisal. The trial court retained jurisdiction to enforce the provisions of the judgment of divorce and is best positioned to address this potential ambiguity in how much plaintiff is to receive, if necessary.

position that no fraud occurred and plaintiff is not entitled to a 25% interest. The trial court's factual findings on this point were necessary to the judgment of divorce that outlined and affected defendant's rights and defendant seeks relief from that decision, meaning he is aggrieved.

The majority cites *Zalewski v Zalewski*, 342 Mich App 429, 438; 995 NW2d 553 (2022), for the proposition that a nonparty adversely affected by a decision in a divorce action lacks standing to appeal unless the nonparty properly intervened. But just because defendant's father perhaps could have intervened to acquire standing to appeal does not mean that defendant is not an "aggrieved party."

My dissent in this matter does not mean I agree with defendant on the merits of his appeal; it simply means I believe we should reach the merits.

/s/ Andrew J. Lievense