STATE OF MICHIGAN

IN THE COURT OF APPEALS

MANDI MARIE SCHEBOR,
Trustee of the Misha M. Dorland
Testamentary Trust,
Substitute Plaintiff–Appellee,
and
JOHN LOUIS BOOCKMEIER and JANICE RAE BOOCKMEIER,
Intervening Appellees,

v.

BRADLEY JAY DORLAND,
Defendant–Appellant In Pro Per.

Court of Appeals No. 374841

MSC No. 169320

Ottawa County Circuit Court No. 19-92396-DM

Bradley Jay Dorland Defendant-Appellant, In Propria Persona 4296 17th St., Dorr, MI 49323 dorlandbj@hotmail.com	James H. Sullivan (P32469) James H. Sullivan, P.C. 29 Pearl St. NW, Suite 421 Grand Rapids, MI 49503 Attorney for Substitute Plaintiff-Appellee

NOTICE OF WITHDRAWAL OF MOTION FOR STAY PENDING APPEAL

Defendant–Appellant **Bradley Jay Dorland**, in propria persona, hereby **withdraws** his previously-filed **Motion for Stay Pending Appeal** submitted to this Court.

1. Trial Court Jurisdiction Is Active Under MCR 7.208(A)

Under **MCR 7.208(A)**, the trial court retains jurisdiction to decide a **motion for stay** while an appeal is pending. The record confirms the stay motion remains **pending before the trial court**, and therefore this Court lacks jurisdiction to consider the stay until the trial court has ruled.

A. Trial Court Has Not Yet Taken Argument on the Stay

The October 2, 2024 transcript shows the trial court explicitly stated:

"We haven't taken any argument on the stay." "Do you wish to do that now?"

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This establishes that the stay motion is **still pending** and **not yet adjudicated**.

B. Defendant's Supplemental Brief Confirms the Stay Is Pending Under MCR 7.208

Defendant's Supplemental Brief (filed in the trial court) expressly states:

"Defendant…submits this Supplemental Brief regarding the Court's authority to decide Defendant's pending Motion…while an appeal remains pending…"

This confirms the stay request is properly before the trial court and must be resolved there first.

C. Trial Court Has Set a Hearing Date (NTA 10.2.26)

The **Notice to Appear (NTA 10.2.26)** shows the trial court has scheduled a hearing in Case No. 2019-0000092396-DM:

"NOTICE TO APPEAR… 2019-0000092396-DM…"

This demonstrates the trial court is actively exercising jurisdiction and has not relinquished authority over the stay motion.

2. MCR 7.209 Requires Trial-Court Presentation First

Under **MCR 7.209(A)(2)**, a motion for stay **must first be filed in the trial court**. Under **MCR 7.209(A)(3)**, any stay motion filed in the Court of Appeals must include:

- the trial court's order on the stay motion, and
- the transcript of the stay hearing.

The Court of Appeals has already notified Appellant that the stay motion is **defective** because:

"You did not file either [the trial court's order or transcript]."

Because the trial court has not yet ruled, these documents **cannot exist**, making the appellate stay motion necessarily premature.

3. Withdrawal Is Required to Avoid Jurisdictional Conflict

Given:

- the stay motion is **pending before the trial court**,
- the trial court has **not yet taken argument**,
- the trial court has **scheduled a hearing**, and
- the Court of Appeals has **no jurisdiction** until the trial court rules,

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Appellant withdraws the appellate stay motion **without prejudice**.

Appellant will refile a stay motion under **MCR 7.209** only after:

1. the trial court conducts the stay hearing,
2. enters a stay order or denial, and
3. jurisdiction properly shifts to the Court of Appeals.

4. Relief Requested

Appellant respectfully requests that this Court:

1. **Accept this Notice of Withdrawal**,
2. **Terminate the pending Motion for Stay**, and
3. **Permit refiling** following the trial court's completion of stay proceedings under **MCR 7.208** and **MCR 7.209**.

Respectfully submitted,

/s/ Bradley Jay Dorland

Bradley Jay Dorland
Defendant–Appellant, In Propria Persona
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Date: September 21, 2026

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