Exhibit 1

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MICHAEL F. GADOLA
CHIEF JUDGE
STEPHEN L. BORRELLO
CHIEF JUDGE PRO TEM
CHRISTOPHER M. MURRAY
MICHAEL J. KELLY
MARK T. BOONSTRA
MICHAEL J. RIORDAN
COLLEEN A. O'BRIEN
BROCK A. SWARTZLE
THOMAS C. CAMERON
ANICA LETICA
JAMES ROBERT REDFORD
MICHELLE M. RICK
SIMA G. PATEL

KRISTINA ROBINSON GARRETT
KATHLEEN A. FEENEY
ALLIE GREENLEAF MALDONADO
ADRIENNE N. YOUNG
PHILIP P. MARIANI
RANDY J. WALLACE
MATTHEW S. ACKERMAN
DANIEL S. KOROBKIN
CHRISTOPHER M. TREBILCOCK
MARIAM S. BAZZI
ANDREW J. LIEVENSE
JUDGES

JEROME W. ZIMMER JR.
CHIEF CLERK

State of Michigan

Court of Appeals

Grand Rapids Office

September 11, 2026

Bradley Jay Dorland
[VIA EMAIL]

Re: **Misha Mishelle Dorland v Bradley Jay Dorland**
Court of Appeals No. **374841**
Lower Court No. **19-092396-DM**

Dear Mr. Dorland:

The motion for stay that you submitted in this matter is defective for the following reason:

MCR 7.209(A)(3) provides that a motion for stay must be accompanied by a copy of the trial court's opinion and order on the motion and a copy of the transcript of the hearing. You did not file either of those documents. If you failed to file the motion in the trial court as required by MCR 7.209(A)(2), you must file a motion to waive the requirements of MCR 7.209(A)(2) & (3), the motion fee, and the proof of service.

Your motion cannot be submitted for decision until the cure for the above defect is filed. In addition, if the defect is anything other than a deficiency in fees, a proof of service of the cure on opposing counsel must be filed. If the cure is not filed within 14 days of the date of this letter, the motion will be stricken.

Sincerely,

Patricia A. Murray
District Clerk

By: Eric Jensen
Eric Jensen

PAM/ej

cc: James H. Sullivan

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Exhibit 2

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STATE OF MICHIGAN 20TH CIRCUIT COURT JUDICIAL CIRCUIT OTTAWA COUNTY	NOTICE TO APPEAR	CASE NO. 2019 0000092396-DM

414 WASHINGTON AVENUE,
GRAND HAVEN, MI 49417

(616)846-8320

Date: TUESDAY SEPTEMBER 15, 2026

TO: MIEKE V WEISSERT
420 SOUTH WAVERLY ROAD, SUITE
LANSING, MI 48917

Plaintiff/Petitioner's name
MISHA MISHELLE DORLAND

v

Defendant/Respondent's name
BRADLEY JAY DORLAND

YOU ARE DIRECTED TO APPEAR AS FOLLOWS:

1) For: MISCELLANEOUS HEARING
Date: **FRIDAY OCTOBER 02, 2026**
Time: **11:30 AM**
Jurist: PAUL F. KRAUS
Location: 12240 FILLMORE ST
WEST OLIVE, MI 49460
Courtroom: COURTROOM 2B, FJC
Comments: 1 HR - VIA ZOOM MEETING ID: 886-678-3434
Oral Opinion

Comments:

If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

IMPORTANT: READ THIS CAREFULLY

1. Bring this notice with you.
2. No case may be adjourned except by authority of the judge for good cause shown.
3. FAILURE OF THE DEFENDANT TO APPEAR in a civil case may cause a default judgment to be entered. FAILURE OF THE PLAINTIFF TO APPEAR may result in a dismissal of the case.
4. FAILURE TO APPEAR in a criminal case may subject you to the penalty for contempt of court, and a bench warrant may be issued for your arrest.
5. If you intend to employ a lawyer, he or she should be notified of the date at once.
6. Fines, costs, and other financial obligations imposed by the court must be paid at the time of assessment.

This notice has also been sent to:
JAMES H SULLIVAN A 32469 ATTORNEY FOR JANICE RAE BOOCKMEIER

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Exhibit 3

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STATE OF MICHIGAN
IN THE 20th CIRCUIT COURT FOR THE COUNTY OF OTTAWA
FAMILY DIVISION

MISHA DORLAND (by Substitute Plaintiff, Mandi M. Schebor, Trustee Of the Misha M. Dorland Testamentary Trust)

Plaintiff,

v.

JOHN LOUISBOOCKMEIER and JANICE RAE BOOCKMEIER,

Intervening Plaintiff/Grandparents,

v.

BRADLEY J. DORLAND.

Defendant.

File No: 19-92396-DM

HON. PAUL F. KRAUS

SUPPLEMENTAL BRIEF REGARDING MCR 7.208 JURISDICTION

JAMES H. SULLIVAN (P32469)
JAMES H. SULLIVAN, PC
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DEFENDANT'S SUPPLEMENTAL BRIEF REGARDING MCR 7.208 JURISDICTION

NOW COMES Defendant, BRADLEY J. DORLAND, by and through his attorneys, MIEKE V. WEISSERT and THE KRONZEK FIRM PLC, and submits this Supplemental Brief regarding the Court's authority to decide Defendant's pending Motion to Modify Grandparenting Time while an appeal remains pending from the Court's September 10, 2024 Opinion and Order Granting Motion for Grandparenting Time. Defendant respectfully submits that MCR 7.208(A) does not deprive this Court of jurisdiction to adjudicate Defendant's Motion because the relief requested is based upon circumstances arising after, or unknown to the Court at the time of, the September 10, 2024 Order and therefore constitutes a new, prospective determination under Michigan's grandparenting-time statute. Alternatively, even if the Court concludes that granting Defendant's

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Motion would constitute an amendment or modification of the September 10, 2024 Order within the meaning of MCR 7.208(A), MCL 722.27b(11) provides the statutory authority contemplated by MCR 7.208(A)(4) and expressly authorizes the Court to modify or terminate a grandparenting-time order upon the requisite showing of changed circumstances. In support, Defendant states as follows:

FACTUAL AND PROCEDURAL BACKGROUND

1. On September 10, 2024, this Court entered an Opinion and Order Granting Motion for Grandparenting Time (the "September 10, 2024 Order").

2. An appeal from the September 10, 2024 Order was subsequently initiated and remains pending before the Michigan appellate courts.

3. Thereafter, circumstances concerning the minor child and the exercise of grandparenting time materially changed and/or facts arose that were not known to the Court at the time the September 10, 2024 Order was entered.

4. Based upon those subsequent circumstances, Defendant filed a Motion to Modify Grandparenting Time, seeking prospective modification of the existing grandparenting-time arrangement pursuant to MCL 722.27b(11).

5. On August 24, 2026, this Court conducted a contested evidentiary hearing concerning Defendant's Motion. The parties presented evidence concerning circumstances existing after entry of the September 10, 2024 Order and the present circumstances affecting the minor child and the existing grandparenting-time arrangement.

6. On August 25, 2026, Intervening Plaintiffs raised the issue of whether MCR 7.208 limits this Court's authority to rule upon Defendant's Motion while the appeal from the September 10, 2024 Order remains pending.

7. The Court subsequently reopened the record for limited argument concerning this jurisdictional issue.

8. Defendant respectfully submits that the pending appeal does not prevent this Court from deciding Defendant's Motion.

MCR 7.208(A) DOES NOT PROHIBIT THE COURT FROM ADJUDICATING A NEW MOTION BASED UPON SUBSEQUENTLY ARISING CIRCUMSTANCES

MCR 7.208(A) provides, in relevant part:

"After a claim of appeal is filed or leave to appeal is granted, the trial court or tribunal may not set aside or amend the judgment or order appealed from except" under certain enumerated circumstances, including "as otherwise provided by law."

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The rule is directed at the trial court's authority to set aside or amend the judgment or order appealed from. It does not categorically divest a trial court of all authority over the underlying action while an appeal is pending. Indeed, the Michigan Supreme Court has expressly recognized that MCR 7.208(A) "leaves a lot for a trial court to do while a case is on appeal." *Michigan v Washington*, 508 Mich 107, 126 (2021).

The critical distinction here is between:

1. reconsidering or altering the September 10, 2024 Order based upon an alleged error in that Order; and

2. making a new, prospective determination based upon circumstances that arose after entry of that Order or were unknown to the Court when the Order was entered.

Defendant seeks the latter.

Defendant does not ask this Court to reconsider whether its September 10, 2024 decision was correct based upon the evidence and circumstances existing in 2024. Nor does Defendant ask this Court to interfere with, reverse, or otherwise adjudicate the issues presently before the appellate courts.

Instead, Defendant's Motion invokes the statutory mechanism specifically established by the Legislature for determining whether an existing grandparenting-time order should be modified based upon subsequent circumstances.

MCL 722.27b(11) expressly provides:

"A court shall not modify or terminate a grandparenting time order entered under this section unless it finds by a preponderance of the evidence, on the basis of facts that have arisen since entry of the grandparenting time order or were unknown to the court at the time it entered that order, that a change has occurred in the circumstances of the child or his or her custodian and that a modification or termination of the existing order is necessary to avoid creating a substantial risk of harm to the mental, physical, or emotional health of the child."

Thus, the Legislature has expressly contemplated that a court which previously entered a grandparenting-time order may later be called upon to determine whether that order should be modified based upon subsequent circumstances.

Defendant's Motion falls squarely within that statutory framework.

The August 24, 2026 evidentiary hearing was not an appellate-type proceeding concerning whether the September 10, 2024 Order was correct when entered. Rather, the hearing concerned whether the statutory prerequisites for prospective modification of the grandparenting-time order had been established based upon subsequent or previously unknown facts.

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Accordingly, the Court's determination on Defendant's Motion would not constitute a collateral review of the appellate issues. It would constitute an exercise of the Court's continuing statutory authority to address the present circumstances of the minor child.

MCL 722.27b(11) EXPRESSLY AUTHORIZES MODIFICATION OF A GRANDPARENTING-TIME ORDER AND FALLS WITHIN THE "OTHERWISE PROVIDED BY LAW" EXCEPTION OF MCR 7.208(A)(4)

Even if the Court concludes that an order granting Defendant's Motion technically would "amend" the September 10, 2024 Order, the Court nevertheless possesses authority to act under MCR 7.208(A)(4).

A. *Lemmen* establishes that statutory continuing jurisdiction constitutes an exception under MCR 7.208(A)(4)

In *Lemmen v Lemmen*, 481 Mich 164; 749 NW2d 255 (2008), the Michigan Supreme Court considered whether a trial court could modify child and spousal support provisions while an appeal from the divorce judgment remained pending.

The Supreme Court held that the Legislature's grant of continuing authority to modify support orders constituted an exception to MCR 7.208(A) under the "otherwise provided by law" provision of MCR 7.208(A)(4). *Lemmen*, 481 Mich at 167. The Court specifically rejected the argument that the statutory authority had to expressly state that modification was permissible during an appeal. Rather, the Court held that a statute satisfies MCR 7.208(A)(4) when the Legislature has authorized continuing jurisdiction to modify a final judgment.

The reasoning of *Lemmen* is directly applicable here.

MCL 722.27b(11) does not merely permit a court to enter a grandparenting-time order. It expressly provides the circumstances under which a court "shall" consider modification or termination of an existing grandparenting-time order. The statute thereby confers continuing authority upon the court to address changed circumstances affecting the child or the child's custodian.

Just as the statutes in *Lemmen* did not expressly state that support could be modified while an appeal was pending, MCL 722.27b(11) does not expressly state that a grandparenting-time order may be modified while an appeal from the original order is pending. That omission is not dispositive under *Lemmen*. What matters is that the Legislature has expressly authorized the trial court to modify an existing order when the statutory conditions are satisfied.

B. *Safdar v Aziz* confirms that the Legislature need not expressly authorize modification during an appeal

The Michigan Supreme Court subsequently reaffirmed and expanded the reasoning of *Lemmen* in *Safdar v Aziz*, 501 Mich 213; 912 NW2d 511 (2018).

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There, the Court held that MCL 722.27(1), which grants continuing jurisdiction to modify custody orders based upon proper cause or changed circumstances, constituted an exception to MCR 7.208(A). The Supreme Court expressly held that a statute need not specifically state that modification is permissible while an appeal is pending. Rather, a statute satisfies MCR 7.208(A)(4) when the Legislature has authorized continuing jurisdiction to amend or modify a final judgment. *Safdar*, 501 Mich at 219-221.

The Supreme Court explained that the Legislature's continuing grant of jurisdiction is particularly significant in matters involving children because circumstances affecting a child may change while an appeal is pending. Requiring the trial court to wait until the appellate process is completed before addressing a material change in circumstances could defeat the purpose of the statute and prevent the court from addressing the child's current circumstances. *Id.*

The same reasoning applies with equal force to MCL 722.27b(11).

The Legislature specifically authorized a court to modify or terminate a grandparenting-time order when:

1. facts have arisen since entry of the existing order, or were unknown when the order was entered;

2. a change has occurred in the circumstances of the child or the child's custodian; and

3. modification or termination is necessary to avoid a substantial risk of harm to the child's mental, physical, or emotional health.

MCL 722.27b(11).

The statute therefore embodies the same continuing-jurisdiction principle recognized in *Lemmen* and *Safdar*: the trial court must retain the ability to address materially changed circumstances affecting a child rather than remain frozen by a prior judgment while an appeal proceeds.

MCL 722.27b(11) IS EVEN MORE DIRECTLY APPLICABLE THAN THE STATUTES CONSIDERED IN *LEMMEN*

The statutory basis for jurisdiction here is particularly compelling because MCL 722.27b(11) specifically addresses the modification or termination of an existing grandparenting-time order.

Unlike a general jurisdictional statute, MCL 722.27b(11) directly contemplates the precise relief Defendant seeks. It provides a substantive standard for determining when an existing grandparenting-time order may be modified and requires the Court to make specific findings of fact supporting its decision.

Further, MCL 722.27b(3)(a) expressly recognizes the circuit court's continuing jurisdiction over the child by directing a grandparent seeking grandparenting time to file a motion in the circuit court "if the circuit court has continuing jurisdiction over the child."

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The Michigan Court of Appeals has recognized that MCL 722.27b operates within the framework of the circuit court's continuing jurisdiction over a child and provides a statutory mechanism for bringing grandparenting-time issues before that court. *See Varran v Granneman*, 312 Mich App 591; 880 NW2d 242 (2015).

Thus, the Legislature did not establish grandparenting time as a one-time determination incapable of later modification. To the contrary, it expressly provided for continuing judicial review when circumstances materially change.

DEFENDANT'S MOTION DOES NOT IMPERMISSIBLY INTERFERE WITH THE PENDING APPEAL

Permitting this Court to decide Defendant's Motion also does not usurp the jurisdiction of the appellate courts.

The pending appeal concerns the September 10, 2024 Order and the issues properly presented in that appeal. Defendant's Motion concerns the present circumstances of the minor child and whether those circumstances justify prospective modification under MCL 722.27b(11).

Those are analytically distinct inquiries.

The appellate courts may determine whether this Court properly entered the September 10, 2024 Order based upon the record and circumstances existing when that Order was entered. This Court, meanwhile, may determine whether facts arising after that Order—or facts previously unknown to the Court—now warrant modification of the existing grandparenting-time arrangement.

Indeed, a contrary rule would create a potentially indefinite period during which a child's circumstances could materially change but the trial court would be unable to address those changes solely because an appeal concerning an earlier order remained pending.

That result would be inconsistent with the express language and purpose of MCL 722.27b(11).

The Legislature has placed the focus of a modification proceeding on the current circumstances of the child or custodian, not on whether the original order was correctly entered. The statute therefore necessarily contemplates a subsequent judicial determination that may occur after entry of the original order.

THE AUGUST 24, 2026 EVIDENTIARY HEARING FURTHER SUPPORTS THE COURT'S AUTHORITY TO RULE ON THE MOTION

The Court has already conducted a contested evidentiary hearing concerning Defendant's Motion.

The evidence presented at that hearing concerned the circumstances relevant to Defendant's request for modification. Those circumstances necessarily post-date, or were unknown at the time of, the September 10, 2024 Order because MCL 722.27b(11) prohibits modification unless the statutory showing is based upon facts that arose after the order or were previously unknown.

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The Court therefore is not being asked to revisit the 2024 record merely to reach a different conclusion. Rather, the Court is being asked to apply the statutory modification standard to the evidence developed at the August 24, 2026 hearing.

Nothing in MCR 7.208(A) requires the Court to disregard evidence of subsequent circumstances where the Legislature has expressly authorized the Court to consider those circumstances in determining whether an existing order should be modified.

IF NECESSARY, THE COURT MAY LIMIT ITS RULING TO PROSPECTIVE RELIEF BASED UPON POST-ORDER CIRCUMSTANCES

To the extent the Court has concerns about the interaction between its ruling and the pending appeal, Defendant respectfully requests that any order resolving the Motion expressly state that:

1. the Court is not reconsidering or otherwise adjudicating the correctness of the September 10, 2024 Order;

2. the Court is not altering any factual or legal determination that is presently before the appellate courts;

3. the Court's ruling is based solely upon facts that arose after September 10, 2024, or facts that were unknown to the Court at the time of the September 10, 2024 Order; and

4. any modification is prospective and is entered pursuant to MCL 722.27b(11).

Such a limitation would preserve the appellate courts' authority to decide the issues properly before them while allowing this Court to exercise the continuing statutory authority expressly granted by the Legislature.

THE OTHER EXCEPTIONS IN MCR 7.208(A) PROVIDE ADDITIONAL BASES FOR JURISDICTION IF APPLICABLE

MCR 7.208(A) contains several exceptions to its general limitation on a trial court's authority after an appeal is initiated.

Specifically, the Court may set aside or amend an appealed order:

1. by order of the Court of Appeals;

2. by stipulation of the parties;

3. after a decision on the merits in an action in which a preliminary injunction was granted; or

4. as otherwise provided by law.

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MCR 7.208(A)(1)-(4).

Defendant's primary position is that MCL 722.27b(11) satisfies subsection (A)(4). Defendant does not rely upon the preliminary-injunction exception in subsection (A)(3), and Defendant recognizes that an appellate-court order or stipulation under subsections (A)(1) or (A)(2) would independently authorize the Court to act if either were applicable.

The principal issue, therefore, is whether MCL 722.27b(11) constitutes the statutory authority contemplated by subsection (A)(4). Under *Lemmen* and *Safdar*, it does.

THE PENDING APPEAL DOES NOT AUTOMATICALLY STAY THE EXISTING ORDER

Finally, MCR 7.209(A)(1) provides that, subject to specified exceptions, an appeal does not automatically stay the effect or enforceability of a trial court judgment or order unless the trial court or Court of Appeals otherwise orders.

Defendant does not contend that the filing of the appeal, standing alone, nullified the September 10, 2024 Order. Rather, Defendant seeks a new determination concerning whether that existing order should prospectively be modified pursuant to MCL 722.27b(11).

The distinction is important. The existence of an appeal may preserve the appellate courts' authority to review the original order, but it does not eliminate statutory authority expressly granted to the trial court to address subsequent circumstances affecting the child.

CONCLUSION

MCR 7.208(A) does not deprive this Court of authority to decide Defendant's Motion to Modify Grandparenting Time.

First, Defendant's Motion does not seek appellate-type reconsideration of the September 10, 2024 Order. It seeks a new, prospective determination based upon circumstances that arose after entry of that Order and/or facts that were unknown to the Court when the Order was entered. That determination is expressly authorized by MCL 722.27b(11).

Second, even if the Court determines that granting Defendant's Motion would technically constitute an amendment or modification of the September 10, 2024 Order, MCL 722.27b(11) falls squarely within MCR 7.208(A)(4)'s exception for modifications "otherwise provided by law." The Michigan Supreme Court's decisions in *Lemmen v Lemmen*, 481 Mich 164; 749 NW2d 255 (2008), and *Safdar v Aziz*, 501 Mich 213; 912 NW2d 511 (2018), establish that the Legislature need not expressly state that a statutory modification authority survives a pending appeal. A statutory grant of continuing authority to modify an existing judgment or order is sufficient to satisfy MCR 7.208(A)(4).

Here, the Legislature has expressly authorized the Court to modify or terminate a grandparenting-time order when subsequent or previously unknown facts establish a change in the circumstances

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of the child or custodian and modification is necessary to avoid a substantial risk of harm to the child's mental, physical, or emotional health. MCL 722.27b(11).

WHEREFORE, Defendant, BRADLEY J. DORLAND, respectfully requests that this Honorable Court:

A. Find that MCR 7.208(A) does not deprive this Court of jurisdiction to adjudicate Defendant's Motion to Modify Grandparenting Time;

B. Alternatively, find that MCL 722.27b(11) constitutes an "otherwise provided by law" exception under MCR 7.208(A)(4), thereby authorizing this Court to modify the September 10, 2024 grandparenting-time order upon the statutory showing;

C. Consider and decide Defendant's Motion based upon the evidence presented at the August 24, 2026 evidentiary hearing and the facts arising after, or unknown to the Court at the time of, the September 10, 2024 Order;

D. Enter an order resolving Defendant's Motion pursuant to MCL 722.27b(11), including the specific findings of fact required by that statute;

E. To the extent necessary to preserve the pending appellate proceedings, clarify that the Court's ruling concerns only the present circumstances of the minor child and constitutes prospective relief under MCL 722.27b(11), and does not constitute a reconsideration of the correctness of the September 10, 2024 Order; and

F. Grant such other and further relief as this Court deems just and equitable.

Respectfully Submitted,

Dated: 09/01/2026

Brandy J. Thompson (P66009)
MIEKE V. WEISSERT (P59287)
Attorney for Defendant
for MVW

PROOF OF SERVICE

I, Trevor M. Robinson, declare that I am a person of suitable age and discretion to serve process. On this date, I served a true and correct copy of the *Defendant's Supplemental Brief*

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Regarding MCR 7.208 Jurisdiction upon JAMES H. SULLIVAN, *Attorneys for Plaintiff/Intervening Plaintiffs*, by transmitting the document(s) via electronic mail to (jameshsullivanlaw@gmail.com) listed with the State Bar of Michigan pursuant to MCR 2.107(G).

Date: 9/4/2026

Trevor M. Robinson
Legal Assistant

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