Court of Appeals, State of Michigan

ORDER

CHRISTOPHER HUBBARD V KATIE BARR

Docket No. 381497

LC No. 18-113360-DM

Michael F. Gadola
Presiding Judge

Stephen L. Borrello

Michael J. Riordan
Judges

The motion for immediate consideration is DENIED.

Appellant's counsel has requested a decision on the delayed "**EMERGENCY**" application for leave to appeal in this matter by 9:00 a.m. on July 23, 2026—a deadline which would, by its very nature, require us to shorten appellee's answer period were we to grant it. See MCR 7.205(C) (providing that, in general, answers to such applications are due "within 21 days of service"). Contrary to MCR 7.205(B)(4),[1] in the delayed application's statement explaining delay pursuant to MCR 7.205(A)(4), counsel makes the following factual representations to this Court:

> Although Appellant-Mother retained the services of the undersigned appellate counsel within the time to file a timely Application for Leave to Appeal to this Court, due to the nature of the February 21 [sic, 20], 2026 Order, which denied Appellant-Mother's Motion to Set Aside the Trial Court's Temporary Order based on the record during the February 19 hearing, and the Trial Court's oral pronouncement from the record on October 20, 2025, *the procurement of the transcripts of this matter was necessary before the undersigned could* ***begin*** *work on Appellant-Mother's appeal*. See MCR 7.205(A)(4)(a). The undersigned promptly ordered the transcripts, but *the complete transcripts were not received by the undersigned until June 22, 2026 respectively*. Once counsel was in receipt of the transcripts, she *began* work on the instant Application as soon as possible *thereafter*, given counsel's preexisting case deadlines and commitments. [Emphasis added.]

What counsel fails to acknowledge, however, is that this is the *second* delayed "emergency" application that she has filed from the February 20, 2026 order she seeks to appeal here. See Docket No. 380319, *Hubbard v Barr*. And the instant delayed application is largely identical, in substance, to that prior application, which was filed nearly three months ago, on April 16, 2026. Given that large sections of the two applications are verbatim duplicates, it seems that counsel actually "began" her work on the instant

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[1] In pertinent part, MCR 7.205(B)(4) provides:

> If the transcript is not yet available, or if there is no record to be transcribed, the appellant must file a copy of the certificate of the court reporter or recorder or a statement by the appellant's attorney as provided in MCR 7.204(C)(2). As soon as the transcript is available, the appellant must file it with the Court of Appeals.

application long before June 22, 2026. In other words, after stipulating to dismissal of the prior delayed "emergency" application from the same order appealed here, counsel waited nearly three months, refiled a largely identical pleading in this Court, and asked for a decision in less than three weeks—a request which would, if granted, have the effect of shortchanging the other side of its full answer period. Given counsel's delay in filing the second delayed application, we feel obliged to deny the motion for immediate consideration.

Presiding Judge

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

July 9, 2026
Date

Chief Clerk