Court of Appeals, State of Michigan

ORDER

MANDY PECHER V JOSEF GREGOR HABSCHEID

Docket No. 377548

LC No. 2019-006266-DM

James Robert Redford
Presiding Judge

Randy J. Wallace

Christopher M. Trebilcock
Judges

The motion to dismiss this appeal is DENIED. Contrary to appellee's assertion, MCR 7.204(A)(1)(d) does not require that all timely postjudgment orders for relief from the order appealed from be disposed of before a claim of appeal may be filed. Rather, MCR 7.204(A)(1)(d) allows for the filing of a claim of appeal within 21 days after entry of "an order deciding **a** postjudgment motion for new trial, rehearing, reconsideration, or other relief from the order or judgment appealed, if the motion was filed within the initial 21-day appeal period" (emphasis added). Here, the lower court register of actions shows that appellee filed a motion to set aside the May 15, 2025 order appealed from on June 5, 2025 – 21 days after entry of the order appealed from. And the trial court denied that motion in a September 10, 2025 order. So, the claim of appeal filed 20 days later on September 30, 2025 was timely filed. Further, appellee has not established that the May 15, 2025 order is not appealable of right. Under MCR 7.202(6)(a)(i), an order that "disposes of all the claims and adjudicates the rights and liabilities of all the parties" entered "after reversal of an earlier final judgment or order" is a final order. In its opinion deciding an earlier appeal in this case, specifically in *Pecher v Habscheid*, unpublished opinion of the Court of Appeals (Docket No. 361496, issued July 20, 2023), this Court reversed in part and remanded for further proceedings related to the distribution of tax refunds from Germany and calculation of child support. The trial court entered a uniform child support order on May 5, 2025 and the May 15, 2025 order regarding division of the tax refunds on May 15, 2025. Thus, the May 15, 2025 order appears to be appealable of right. MCR 7.202(6)(a)(i); MCR 7.203(A)(1).

Presiding Judge

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

December 19, 2025
Date

Chief Clerk