

Court of Appeals, State of Michigan

ORDER

Jodie Joanne Litwiller v Thomas Eldridge

Docket No. **359573**

LC No. **2021-027406-CK**

Christopher M. Murray, Chief Judge, acting under MCR 7.203(F)(1), orders:

The claim of appeal and motion for stay pending appeal are DISMISSED for lack of jurisdiction. The claim of appeal was not timely filed within 21 days of entry of the November 1, 2021 order. MCR 7.204(A)(1)(a). Moreover, the November 19, 2021 motion for a stay pending appeal did not extend the time for filing a claim of appeal; that motion did not seek substantive relief from the order, but rather, it sought to enjoin enforcement of the order pending appeal. MCR 7.204(A)(1)(d). In MCR 7.204(A)(1)(d), the specific words “new trial,” “rehearing,” and “reconsideration” refer to motions that seek relief from the substance of an order; therefore, the words “other relief from the order or judgment appealed” only encompass other motions that similarly seek relief from the substance of an order. See *Otto v Inn at Watervale Inc.*, 501 Mich 1044, 1044-1045; 909 NW2d 265 (2018) (Under the *ejusdem generis* canon, when specific words precede general words “the meaning of the general words will ordinarily be presumed to be and construed as restricted by the particular designation and as including only things of the same kind, class, character or nature as those specifically enumerated.” (Quotation marks and citation omitted.)) Dismissal is without prejudice to the filing of a late appeal under MCR 7.205(A)(4), provided the filing meets all requirements under the court rules and is not time-barred.





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

December 28, 2021

Date



Chief Clerk