Court of Appeals, State of Michigan

ORDER

Estate of Joseph J Favazza Jr v Auto-Owners Insurance Co

Docket No. 294705

LC No. 06-062957-NF

Peter D. O'Connell
Presiding Judge

Kathleen Jansen

Christopher M. Murray
Judges

The Court, acting under MCR 7.203(F)(2), orders that the motion for reconsideration is DENIED. Contrary to the apparent premise of appellant's motion, the four subparagraphs of MCR 7.204(A)(1)(a)-(d) cannot reasonably be read as providing four completely distinct periods for the filing of a claim of appeal. Particularly, such a construction would render subparagraph (c) nugatory because the 14-day period for filing a claim of appeal it provides with regard to an order terminating parental rights would be subsumed within the general 21-day period for filing a claim of appeal provided by subparagraph (a). See, e.g., *Aspey v Memorial Hosp*, 477 Mich 120, 131; 730 NW2d 695 (2007) (a statute should not be interpreted to render it nugatory). Rather, the subparagraphs of MCR 7.204(A)(1)(a)-(d) must be read together in context. In context, subparagraph (a) is inapplicable to the situation controlled by subparagraph (b), namely where a motion for relief from the order being appealed from has been filed in the lower court. Thus, this Court properly dismissed the claim of appeal because it was filed *before* the pending motion for reconsideration was decided by the trial court when subparagraph (b) requires a claim of appeal to be filed *after* a pending motion for relief from the order being appealed from has been decided by the lower court.

A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JAN 2 6 2010
Date

Sandra Schultz Mengel
Chief Clerk