Court of Appeals, State of Michigan

ORDER

Venkata Krishna Nallaballi v Eswari Achanta

Docket No. 298042

LC No. 09-001362-CK

Joel P. Hoekstra
Presiding Judge

Richard A. Bandstra

Douglas B. Shapiro
Judges

The Court orders that appellees' motion to file a reply brief to appellant's answer to the motion to dismiss is GRANTED.

The Court further orders that the motion to dismiss is DENIED. Contrary to appellees' position, MCR 7.204(A) defines "entry" for purposes of the timeliness of a claim of appeal in this Court to include "the date that data entry of the judgment or order is accomplished in the issuing tribunal's register of actions." Thus, although the order appealed from is dated March 11, 2010, March 12, 2010 is nevertheless also properly considered a date of "entry" of that order for purposes of MCR 7.204(A) because that is the date the order was entered in the circuit court register of actions. Accordingly, the motion for reconsideration filed in the circuit court on April 2, 2010 was filed within the initial 21-day appeal period, so that the claim of appeal filed within 21 days of entry of the order denying that motion for reconsideration was timely filed under MCR 7.204(A)(1)(b). The narrower definition of "date of entry" provided by MCR 2.602(A)(2) is inapplicable in this context. See MCR 2.001; see also *Haliw v Sterling Heights*, 471 Mich 700, 706; 691 NW2d 753 (2005) ("specific court rules control over general court rules"). Further, appellees' policy arguments cannot justify failing to apply the definition of "entry" provided by MCR 7.204(A)(1)(b). See, e.g., *People v Williams*, 483 Mich 226, 232; 769 NW2d 605 (2009) (unambiguous language of a court rule must be enforced as written).

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

JUL 13 2010
Date

Sandra Schultz Mengel
Chief Clerk