

## **Interlocutory Appeal Checklist:**

Counsel must file:

- an original (signed) copy, plus four additional copies of the application. The application must describe the nature of the judgment or order being appealed, must comply with the format requirements of MCR 7.212(C), and must, in an interlocutory appeal, set forth the "facts showing how the appellant would suffer substantial harm by awaiting final judgment before taking an appeal." MCR 7.205(B).
- five copies of the judgment, order, or opinion of the lower court.
- five copies of the lower court docket entries/register of actions.
- the transcript necessary for review; if the transcript is not immediately available it must be ordered, and proof [e.g., a court reporter's certificate] it has been ordered filed with the court.
- proof of service.
- the entry/filing fee [by statute, MCL 600.321, currently \$375.00 (per case number); a motion for immediate consideration, if filed, is an additional \$200.00; a motion for a stay, if needed, is an additional \$100.00]; if the defendant is indigent, then a copy of the assignment order should suffice in lieu of the fees.

Counsel may need to file:

- a motion for immediate consideration (with the fee -- unless waived -- and proof of personal service) of the application for leave to appeal. MCR 7.205(B).
- a motion for stay of proceedings in the trial court.
- a motion for stay of proceedings in the Court of Appeals (with the filing fee -- unless the defendant is indigent -- and a copy of the lower court relevant transcript). MCR 7.209(A)(3). An ex parte motion may be filed. MCR 7.209(I).
- a motion for immediate consideration (with the fee -- unless waived -- and proof of personal service) of the motion to stay proceedings. MCR 7.211(C)(6)