STATE OF MICHIGAN

COURT OF APPEALS

AMAL ALI GOOBA, Plaintiff-Appellee,	UNPUBLISHED August 13, 2026 11:48 AM
v	No. 374778 Wayne Circuit Court
MOHAMED Z. ALTAHERY, Defendant-Appellant.	LC No. 23-102094-DM

Before: ACKERMAN, P.J., and BAZZI and LIEVENSE, JJ.

PER CURIAM.

In this divorce action, the trial court held that defendant-husband conspired with his father to defraud plaintiff-wife of her share of the marital home's value. It then gave defendant two options: pay plaintiff a portion of the house's appraised value or sell the house and pay plaintiff a portion of the proceeds. Because the house is titled in his father's name, defendant challenges the court's authority to include the latter option. But defendant identifies no harm that *he* has suffered and therefore has not shown that he is aggrieved by the court's decision. We therefore dismiss for lack of jurisdiction.

I. FACTS

Plaintiff Amal Gooba and defendant Mohamed Altahery married in April 2019. Sometime thereafter, they moved into a home in Detroit. Plaintiff testified that she understood that she and defendant had paid most or all of the house's purchase price and that the house is not subject to a lender's mortgage interest. She also presented documentation showing that, in the weeks before the purchase, defendant withdrew $15,000 from their joint checking account—with the ultimate purchase price being $20,000. The house, however, was—and remains—titled in the name of defendant's father, Zein Altahery.

The parties eventually separated, and plaintiff filed for divorce. Although the proceedings involved several disputed issues, only the dispute concerning the marital home is relevant to this appeal. Plaintiff alleged that defendant and Zein had conspired to defraud her of her interest in that house. The trial court found plaintiff's allegations credible and determined that defendant and his father had worked together to manipulate the house's title to deprive plaintiff of her interest in it. The court further determined that plaintiff and defendant together held a 50% interest in the house and that Zein owned the remaining 50%. Plaintiff was therefore entitled to 25% of the house's value. Invoking *Wiand v Wiand*, 178 Mich App 137; 443 NW2d 464 (1989), the court gave defendant two options: he could pay plaintiff 25% of the house's appraised value, or he could sell the house and pay plaintiff 25% of the proceeds. Defendant now appeals from that judgment and asks that we "strike from the Judgment of Divorce that the house of his father may be sold to pay off the debts of the son."

II. JURISDICTION

Although not briefed by the parties, we first turn to our jurisdiction. "The question of jurisdiction is always within the scope of this Court's review." *Walsh v Taylor*, 263 Mich App 618, 622; 689 NW2d 506 (2004). We conclude that we lack jurisdiction over this appeal.

Under MCR 7.203(A), this Court "has jurisdiction of an appeal of right filed by an aggrieved party from" certain trial court orders. For this Court to have jurisdiction, the appellant must be aggrieved by the trial court's decision.

> An aggrieved party is not one who is merely disappointed over a certain result. Rather, to have standing on appeal, a litigant must have suffered a concrete and particularized injury . . . . [A] litigant on appeal must demonstrate an injury arising from . . . the actions of the trial court . . . rather than an injury arising from the underlying facts of the case. [*Federated Ins Co v Oakland Co Rd Comm*, 475 Mich 286, 291; 715 NW2d 846 (2006) (footnotes omitted).]

"A party who could not benefit from a change in the judgment has no appealable interest." *Ford Motor Co v Jackson*, 399 Mich 213, 226; 249 NW2d 29 (1976).

Here, the trial court gave defendant the choice of either paying plaintiff 25% of the house's appraised value or selling the house and paying plaintiff 25% of the proceeds. Defendant now challenges the trial court's authority to include the second option.[1] But that only means that the trial court's judgment gives him more options than he desires. He does not explain how the availability of an additional option injures *him* or how *he* would benefit from a change in the

[1] The dissent construes defendant's brief on appeal as arguing that the trial court erred in awarding anything to plaintiff at all. We disagree. As the dissent acknowledges, "defendant's brief is not perfectly written." In it, defendant poses as a question presented an argument that "the award of a share of real estate and sale of property constituted an abuse of discretion." But he asserts that "[t]he actual purchaser who paid for the whole thing will lose half the value of his house and can have it sold against his will" and that "Due Process required that [Zein] be put on legal notice that his house was in possible jeopardy," and asks in his prayer for relief that we "strike from the Judgment of Divorce that the house of his father may be sold to pay off the debts of the son." Defendant's argument on appeal cannot reasonably be construed as a challenge to the trial court awarding an interest in the home to plaintiff; rather, it is solely challenges the imposed remedy.

judgment. Defendant may avoid the challenged portion of the judgment altogether by choosing the option that he does not contest: paying plaintiff 25% of the house's appraised value.

Moreover, defendant does not frame his appellate arguments in terms of any injury he has suffered.[2] His brief instead makes clear that he is seeking to protect his father's interests. Defendant argues that the trial court's decision "abrogates [Zein's] rights," and his requested relief asks this Court "to strike from the Judgment of Divorce that the house of his father may be sold to pay off the debts of the son." That is consistent with the trial court's observation in response to defendant's motion for reconsideration that the motion was "in essence, an argument advanced on behalf of Defendant's father."

A litigant "generally must assert his own legal rights and interests, and cannot rest his claim to relief on the legal rights or interests of third parties." *Warth v Seldin*, 422 US 490, 499; 95 S Ct 2197; 45 L Ed 2d 343 (1975). Defendant cannot litigate his father's interests in this appeal by proxy; he can litigate only his own interests. This Court has held that a nonparty adversely affected by a decision in a divorce action lacks standing to appeal unless the nonparty properly intervened. *Zalewski v Zalewski*, 342 Mich App 429, 438; 995 NW2d 553 (2022). That principle applies here. If Zein wanted these arguments raised on appeal, he needed to intervene. He did not do so. And because defendant has identified no injury to his own interests, he is not an aggrieved party. We therefore lack jurisdiction over his appeal.[3]

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[2] The dissent argues that defendant is aggrieved because "if he succeeds on appeal, he would benefit: he would not be required to sell his 25% interest in the home if he cannot afford to pay plaintiff her share." But at no point in these proceedings has defendant argued that he cannot afford to pay plaintiff for her interest in the house. We decline to conclude that defendant is aggrieved based on this hypothesized injury.

[3] We also note that in his claim of appeal, defendant asserted that he was appealing from the trial court's February 20, 2025 order denying his motion for reconsideration. But "[a]n order denying a motion for reconsideration is not a final order from which one may appeal as of right"; instead, "it may serve as a triggering event for calculating the time for filing a claim of appeal" from an order that *is* a final order appealable of right. *Adams v Perry Furniture Co*, 198 Mich App 1, 5; 497 NW2d 514 (1993), overruled on other grounds by *Allied Electric Supply Co v Tenaglia*, 461 Mich 285, 289; 602 NW2d 572 (1999). The appeal is properly taken from the October 25, 2024 judgment of divorce, *not* the order denying reconsideration. Given that this Court advised defendant that he needed to file a copy of the judgment of divorce, and he subsequently complied, we do not dismiss the appeal on that basis. See *Nye v Gable, Nelson & Murphy*, 169 Mich App 411, 415-416; 425 NW2d 797 (1988) ("[A]lthough plaintiff stated the wrong order in his claim of appeal, this Court accepted the appeal as if it had been claimed from the order of summary disposition . . . .").

This appeal is dismissed for lack of jurisdiction. Costs are awarded to plaintiff under MCR 7.219(A).[4]

/s/ Matthew S. Ackerman
/s/ Mariam Saad Bazzi

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[4] Plaintiff also requests attorney fees under MCL 552.13 and MCR 3.206(D). But MCL 552.13 applies to "every action brought . . . for a divorce," and MCR 3.206(D) applies to "actions for divorce," see MCR 3.201(A)(1). "Because a 'civil action' relates to the filing of a complaint, see MCR 2.101, an appeal from the circuit court to this Court is not a 'civil action.' " *Fette v Peters Constr Co*, 310 Mich App 535, 552; 871 NW2d 877 (2015). As a result, neither authority applies here.

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LIEVENSE, J., (*dissenting*).

I respectfully dissent because I believe we have jurisdiction in this case and should reach the merits of this appeal.

When divorce proceedings began, the home where plaintiff-wife and defendant-husband lived was titled in defendant's father's name. Plaintiff contested whether the home should be considered marital property for purposes of the divorce. After a bench trial, the trial court held that defendant had conspired with his father to defraud plaintiff out of her share of the home. It determined plaintiff had a 25% interest, defendant's father had a 50% interest, and defendant had a 25% interest in the home. The trial court's judgment then gave defendant two options: pay plaintiff her 25% "share" of the home's appraised value or sell the home and pay plaintiff 25% of the sale "proceeds."

Defendant filed a motion for reconsideration challenging the trial court's authority to include the latter option because his father was not a party to the case. The trial court denied the motion and defendant appealed, asserting this Court had jurisdiction under MCR 7.203, which covers appeals of right "filed by an aggrieved party."

On appeal, defendant raised two claims of error by the trial court: (1) error "in ordering the sale of a house owned" by a nonparty and (2) error in awarding "a share of real estate and sale of property."

Rather than address the merits, the majority sua sponte holds that we lack jurisdiction because, since defendant's reason for appealing is to protect his father's property interest, “defendant identifies no harm that *he* has suffered and therefore has not shown that he is aggrieved by the court’s decision.”

The majority is correct that MCR 7.203(A) limits our jurisdiction to certain appeals “filed by an aggrieved party.” It is also correct that “[a] party who could not benefit from a change in the judgment has no appealable interest.” *Ford Motor Co v Jackson*, 399 Mich 213, 226; 249 NW2d 29 (1976).

Defendant is, therefore, an aggrieved party because, if he succeeds on appeal, he would benefit: he would not be required to sell his 25% interest in the home if he cannot afford to pay plaintiff her share, and he would not be required to pay plaintiff anything if we had found the trial court erred in awarding plaintiff a share in the home in the first place.[1]

The majority focuses on the defendant’s desire to preserve his father’s interest. The majority overlooks, however, that defendant too has a property interest in the home, and the trial court order obligates defendant to make a choice that impacts his interest: give plaintiff her 25% “share” of the home in cash, or sell the home and pay plaintiff 25% of the “proceeds.” Defendant argues that one of those options is unlawful because a nonparty owns 50% of the home. Whether or not he is correct, just because the judgment gives defendant a choice between two options does not mean he is not aggrieved by the trial court’s order. He is aggrieved because the order compels him to choose between two options when he believes he should not have to make that choice.

Also, the fact that defendant may be pursuing this appeal to protect his father’s interest does not dictate whether he is “aggrieved.” A litigant’s *motivation* for appealing, similar to the issue of whether their claim of appeal has merit, does not dictate whether someone is “aggrieved” by a trial court’s order. *Trademark Props of Mich, LLC v Fed Nat’l Mtg Ass’n*, 308 Mich App 132, 136; 863 NW2d 344 (2014) (“Standing in no way depends on the merits of the case.”) (quotation marks and citation omitted).

Moreover, as referenced already, another problem with the majority’s analysis is that it does not address that defendant also contests the trial court’s finding that he conspired with his father to defraud plaintiff and its decision to award plaintiff a 25% interest in the home. Granted, defendant’s brief is not perfectly written, but he challenges the trial court’s factual findings regarding what happened with the home as being clearly erroneous, quoting *Cassidy v Cassidy*, 318 Mich App 463, 493-494; 899 NW2d 65 (2017), and outlines facts he believes support his

[1] The record is imprecise when describing what defendant owes plaintiff under the trial court’s order. We do not know whether the home is subject to a mortgage or any other encumbrance. As a result, the trial court’s order specified that plaintiff was to receive a 25% “share,” which presumably means 25% of the equity in the home around the time of the divorce, not 25% of the full fair market value. This reading would be consistent with the trial court’s alternative contested order that, if the home is sold, plaintiff would receive 25% of the “proceeds after sale expenses.” Given the time that has passed and many other factors, the value of the property may have increased or decreased since the 2023 appraisal. The trial court retained jurisdiction to enforce the provisions of the judgment of divorce and is best positioned to address this potential ambiguity in how much plaintiff is to receive, if necessary.

position that no fraud occurred and plaintiff is not entitled to a 25% interest. The trial court's factual findings on this point were necessary to the judgment of divorce that outlined and affected defendant's rights and defendant seeks relief from that decision, meaning he is aggrieved.

The majority cites *Zalewski v Zalewski*, 342 Mich App 429, 438; 995 NW2d 553 (2022), for the proposition that a nonparty adversely affected by a decision in a divorce action lacks standing to appeal unless the nonparty properly intervened. But just because defendant's father perhaps could have intervened to acquire standing to appeal does not mean that defendant is not an "aggrieved party."

My dissent in this matter does not mean I agree with defendant on the merits of his appeal; it simply means I believe we should reach the merits.

/s/ Andrew J. Lievense