Court of Appeals, State of Michigan

ORDER

In re Thelma Brady Trust
Kathleen Brady Quilter v Edmund M. Brady, Jr.

Docket Nos. 267692;267693

L. Ct. Nos. 2004-676013-TV;2004-676013-CZ

Bill Schuette
Presiding Judge

Patrick D. O'Connell

Patrick M. Meter
Judges

The Court orders that the motion to dismiss pursuant to MCR 7.211(C)(2)(a) is GRANTED, and Docket Nos. 267692 and 267693 are DISMISSED for lack of jurisdiction. As to Docket No. 267692, an order that falls within one of the definitions found at MCR 5.801(B)(1) must also be final. MCL 600.861(a). Under current law, an order is final when it, or a series of orders, establish liability and a remedy. See, *e.g.*, *In re Charles Hemminger*, 463 Mich 941; 620 NW2d 852 (2000) (an order directing a party to pay attorney fees and costs was not final since it did not set the amount owed). By applying this rule of finality to the October 25, 2005 order, it cannot be appealable as a matter of right since the probate court has not established the amount owed. Similarly, this Court lacks jurisdiction over the appeal in Docket No. 267693 from the October 25, 2005 order since it does not dispose of all the claims and adjudicate the rights and liabilities of all the parties. MCR 7.202(6)(a)(i) and 7.203(A)(1). In order to be a final adjudication, the lower court must enter an order or series of orders that resolve all issues before the lower court and establish the remedy for the situation. See, e.g., *Children's Hosp v Auto Club Ins Ass'n*, 450 Mich 670, 677; 545 NW2d 592 (1996) (order appealed was not final as the amount of damages owed had not been reduced to a written order).

The claim of appeal from the February 15, 2005 order is DISMISSED for lack of jurisdiction since it is not appealable as a matter of right to this Court. MCR 5.801(B)(1) and 7.203(A)(2). Even if the February 2005 order was appealable by right, this Court would still lack jurisdiction as appellant failed to file his claim within 21 days of its entry. MCR 7.204(A)(1)(a).

The motion to remand and the motion for leave to supplement the motion for remand are DENIED as the above determinations have rendered them moot.

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

APR 06 2006
Date

Sandra Schultz Mengel
Chief Clerk