Court of Appeals, State of Michigan

ORDER

Jenkins Construction Inc v All Seasons Builders Inc

Docket No. 271191

LC No. 01-107097-CK

Michael J. Talbot
Presiding Judge

Kirsten Frank Kelly

Karen M. Fort Hood
Judges

The Court orders that the motion to dismiss is DENIED. The claim of appeal was filed by both All Seasons Builders and Matthew Siminski. However, since review of the answer to the motion to dismiss and appellants' brief on appeal indicates that the appeal and issues raised on appeal are predicated on the mistaken notion that the order of dismissal entered on May 30, 2006, somehow reverses or vacates the prior judgment on the arbitration award, the Court, acting pursuant to MCR 7.216(A)(7), orders that the appeal is DISMISSED and the matter is REMANDED for enforcement of the February 10, 2006, judgment on the arbitration award. In the absence of an order that specifically vacates or sets aside the judgment on the arbitration award, the judgment on the arbitration award stands undisturbed by the subsequent order of dismissal. The Court does not retain jurisdiction.

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

MAR 08 2007
Date

Sandra Schultz Mengel
Chief Clerk