IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Muhamed Besic v Citizens Ins Co of the Midwest**
Docket No. **289595**
L.C. No. **07-730094-NF**

Christopher M. Murray, Chief Judge Pro Tem, acting under MCR 7.203(F)(1) and 7.216(A)(10), orders:

The claim of appeal from the December 8, 2008 stipulated order dismissing the claims between appellant and appellee Clearwater Insurance Company is DISMISSED for lack of jurisdiction.

This Court has jurisdiction to accept an appeal of right filed by a party who is aggrieved by a final order of the circuit court. MCR 7.203(A)(1). The final order for this case would be the first order that disposes of all the claims against all the parties and adjudicates the rights and liabilities of all the parties. MCR 7.202(6)(a)(i). If the parties stipulate to dismiss an action without prejudice, the resulting order is not a final order because the parties may resurrect the case on that docket at a later date. *Wickings v Arctic Enterprises, Inc,* 244 Mich App 125, 134-136; 624 NW2d 197 (2000). To say it another way, this type of order is non-final because it neither disposes of the remaining claims nor adjudicates the rights and liabilities of the remaining parties. *Id.* With the adoption of the final order rule, our Supreme Court sought to eliminate piecemeal appeals that the former case law allowed. *McCarty & Assoc, Inc v Washburn,* 194 Mich App 676, 680; 488 NW2d 785 (1992).

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

MAR 0 2 2009
Date

Sandra Schultz Mengel
Chief Clerk