IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **JP Morgan Chase Bank NA v Founders Bank & Trust**
Docket No. **293386**
L.C. No. **08-009867-CH**

David H. Sawyer, Chief Judge Pro Tem, acting under MCR 7.203(F)(1), orders:

The claim of appeal is DISMISSED for lack of jurisdiction. MCR 7.203(A)(1). The July 10, 2009 order is not a final order as defined in MCR 7.202(6)(a)(i) because it leaves the question of damages undecided. See *Children's Hospital of Michigan v Auto Club Ins Ass'n,* 450 Mich 670, 675; 545 NW2d 592 (1996). At this time, appellant may seek to appeal the July 10, 2009 order or the October 28, 2009 judgment only by filing a delayed application for leave to appeal under MCR 7.205(F).

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

APR 1 5 2010
Date

Sandra Schultz Mengel
Chief Clerk