

# IN THE MICHIGAN COURT OF APPEALS

## ORDER

Re: **Cheboygan Cement Products Inc v Glawe Inc**  
Docket No. **300918**  
L.C. No. **08-002226-CK**

William B. Murphy, Chief Judge, acting under MCR 7.203(F)(1), orders:

The claim of appeal is DISMISSED for lack of jurisdiction because the October 13, 2010 order is not a final order appealable of right. MCR 7.202(6)(a); MCR 7.203(A). That order is not a final order under MCR 7.202(6)(a)(i) because it does not dispose of Glawe, Inc.'s counterclaim against appellant with regard to partial reimbursement for the cost of the replacement of certain concrete, but rather leaves the matter unresolved by providing that the circuit court would make a personal inspection if the parties were unable to agree "upon which sections fall into the replacement category." This amounts to the circuit court not making a full determination of the relevant issue and not disposing of the relevant claim. At this time, appellant may seek to appeal the October 13, 2010 order 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

NOV 23 2010

Date

*Sandra Schultz Mengel*

Chief Clerk