

# Court of Appeals, State of Michigan

## ORDER

G Gordon Hileman v Ronald A Strozeski

Docket No. 302422

LC No. 08-001932-CK

Patrick M. Meter  
Presiding Judge

William C. Whitbeck

Stephen L. Borrello  
Judges

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The Court orders that the motion to dismiss this appeal is DENIED because the appeal is not moot as to the award of taxable costs in the January 19, 2011 order appealed from.

However, the Court further orders, on its own motion, that appellant's brief on appeal is STRICKEN because the issues raised in that brief are not in the scope of this appeal of right. Appellant's claim of appeal was filed with regard to the January 19, 2011 order awarding taxable costs to appellees under MCR 2.625. Accordingly, that order was only a final order under MCR 7.202(6)(a)(iv). Thus, appellant's appeal from the January 19, 2011 order is limited to the portion of that order from which he has an appeal of right, i.e., this appeal of right is limited to the award of taxable costs to appellees. MCR 7.203(A). Appellant raises no issue on appeal regarding that award of taxable costs, but rather only raises issues as to the trial court's earlier grant of relief to appellees as to the merits of appellees' substantive claims. Those issues are not in the scope of the present appeal of right.

If appellant fails to file a brief on appeal within 21 days of the date of this order that raises issue(s) within the scope of this appeal of right, this appeal may be submitted for involuntary dismissal. See MCR 7.217(A).



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

SEP 23 2011

Date

  
Chief Clerk