

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Stante Excavating Co Inc v K&S Piling Company**
Docket No. **304662**
L.C. No. **10-000053-MK; 09-023255-CK**

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

The claim of appeal is DISMISSED for lack of jurisdiction. The Court lacks jurisdiction because the appeal is not timely with respect to the May 4, 2011, order that concluded the Court of Claims case and appellant, having agreed to the entry of the order, is not an aggrieved party with respect to the May 26, 2011, order that concluded the Wayne Circuit Court case. MCR 7.204(A)(1). The Court of Claims case and the circuit court case retain their separate identities for purposes of computing the time for taking an appeal. *Chen v Wayne State Univ*, 284 Mich App 172; 771 NW2d 820 (2009). And a party that agrees to the entry of an order is not an aggrieved party and cannot appeal the order. MCR 7.203(A); *Kocenda v Archdiocese of Detroit*, 204 Mich App 659, 666; 516 NW2d 132 (1994). At this time, appellant may seek to appeal the May 4, 2011, order only by filing a delayed application for leave to appeal under MCR 7.205(F).



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

JUL 20 2011

Date


Chief Clerk