

**IN THE MICHIGAN COURT OF APPEALS**

**ORDER**

Re: **Polaris Construction Inc v Nicola Delicata**  
Docket No. **305392**  
L.C. No. **09-031105-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 because the orders appealed from are not final orders as defined in MCR 7.202(6). MCR 7.203(A)(1). The February 11, 2011, order is not a final order as defined in MCR 7.202(6)(a)(i) because defendants' counterclaim remains pending; and because the counterclaim remains pending, the July 7, 2011, order awarding attorney fees and costs is not a "postjudgment" order awarding attorney fees as defined in MCR 7.202(6)(a)(iv). At this time, appellant may seek to appeal the February 11, 2011, and July 7, 2011, orders 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

**AUG 18 2011**

Date

  
Chief Clerk