

Court of Appeals, State of Michigan

ORDER

Michael C Ward Sr v Scott Idsinga

Docket No. 302731

LC No. 07-003872-CK

Donald S. Owens
Presiding Judge

William C. Whitbeck

Pat M. Donofrio
Judges

The Court orders that appellants' motion to file a reply to the answer to their motion for reconsideration of this Court's February 3, 2012 order is GRANTED. We note that appellees' brief attached to their answer to that motion has also been considered with regard to the motion for reconsideration.

The motion for reconsideration is GRANTED. The order dated February 3, 2012, is VACATED. The December 17, 2010 judgment is not a final order under MCR 7.202(6)(a)(i) as it did not dispose of all remaining claims in this case. However, the claim of appeal in this case is treated as an application for leave to appeal, see, e.g., *Martin v Secretary of State*, 280 Mich App 417, 423; 760 NW2d 726 (2008), and the application for leave to appeal is GRANTED because we conclude that the equities of this case warrant exercising our discretion to do so. In this regard, we note that it is manifest no order has yet been entered in the trial court disposing of all claims in this case under MCR 7.202(6)(a)(i), so appellants would be able to file an appeal of right from a final order that would eventually be entered by the trial court were the present appeal not allowed to proceed. See MCR 7.203(A)(1). Under the circumstances, we conclude that judicial economy and the interests of the parties are best served by allowing the present appeal to proceed.

Accordingly, the claim of cross appeal is REINSTATED so that the issues raised on cross appeal may also be considered.

Decision on both the appeal and cross appeal shall proceed on the briefs already filed in this Court.



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

APR 16 2012

Date


Chief Clerk