

Court of Appeals, State of Michigan

AMENDED ORDER

Dionel M Rosema v Robert John Rosema

Docket No. 306424

LC No. 03-009851-DM

Douglas B. Shapiro
Presiding Judge

Joel P. Hoekstra

Jane E. Markey
Judges

The Court orders that the motion to dismiss pursuant to MCR 7.211(C)(2) is DENIED. The claim of appeal in this matter is within this Court's jurisdiction of an appeal of right because the September 12, 2011 order appealed from is a postjudgment order that includes an award of attorney fees. MCR 7.202(6)(a)(iv); MCR 7.203(A)(1). However, we caution appellant that the present appeal of right is limited to the portion of the September 12, 2011 order that is appealable of right, MCR 7.203(A), i.e., the award of \$500 in attorney fees and costs to appellee in the September 12, 2011 order. In this regard, there is no proper basis to partially dismiss the claim of appeal because MCR 7.203(A) already applies to limit this appeal of right to the \$500 award of attorney fees and costs notwithstanding the contents of appellant's docketing statement. If appellant wishes to appeal the provision of the September 12, 2011 order denying his motion to enforce judgment, he should file a delayed application for leave to appeal under MCR 7.205(F) with regard to that portion of the order. We also note that, if appellant raises issues beyond the proper scope of the present appeal of right in his ~~brief on appeal~~, appellee may file a motion to strike any such issues.



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

JAN 11 2012

Date


Chief Clerk