

# Court of Appeals, State of Michigan

## ORDER

Virginia Chamberlain v Bill Messer

Joel P. Hoekstra  
Presiding Judge

Docket No. 307817

William B. Murphy

LC No. 09-007287-CK

Jane E. Markey  
Judges

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The Court orders that the motion to dismiss the claim of appeal for lack of jurisdiction pursuant to MCR 7.211(C)(2) and to strike appellant's consent to remand filing in Docket No. 303659 is DENIED. The November 30, 2011 order is a final order appealable of right, MCR 7.202(6)(a)(iv); MCR 7.203(A)(1), regardless of whether the circuit court properly entered that order. Further, the claim of appeal was timely filed on December 20, 2011. MCR 7.204(A)(1)(a). Moreover, regardless of the content of appellant's consent to remand filing, we see no need to strike any portion of it where appellant's mere filing of that pleading has no direct effect.

However, on the Court's own motion, this appeal is DISMISSED because it has been rendered moot by the circuit court's entry of the December 30, 2011 order that effectively reissued the November 30, 2011 order. See MCR 7.211(C)(2)(c). Accordingly, any decision by this Court vacating or granting other relief to appellant from the November 30, 2011 order at this point would have no practical legal effect. *General Motors Corp v Dep't of Treasury*, 290 Mich App 355, 386; 803 NW2d 698 (2010).

The motion to remand is DENIED as moot in light of the dismissal of this appeal. We note that this Court's December 27, 2011 order in Docket No. 303659 clearly provided the circuit court with jurisdiction to enter the December 30, 2011 order under MCR 7.208(A)(1). Further, appellant may seek to appeal the December 30, 2011 order 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

APR 03 2012

Date

A handwritten signature in black ink, appearing to read "Larry S. Royster", is written over a horizontal line.

Chief Clerk