

Court of Appeals, State of Michigan

ORDER

Lindsay Clark Ross v Tony Andreski Inc

Docket No. 308693

LC No. 10-004329-CH

Michael J. Kelly
Presiding Judge

Peter D. O'Connell

Stephen L. Borrello
Judges

Appellees' motion to dismiss portion of appeal for lack of jurisdiction is DENIED. The contents of appellant's docketing statement are immaterial to this Court's jurisdiction over this appeal of right which was established by the filing of the claim of appeal and corresponding entry fee. MCR 7.204(B). Further, contrary to appellees' indication, an appellant claiming an appeal of right from a final order under MCR 7.202(6)(a)(i) is free to raise issues on appeal regarding prior orders. *Green v Ziegelman*, 282 Mich App 292, 301 n 6; 767 NW2d 660 (2009). Thus, appellant is free to challenge orders entered by the trial court in 2010 and 2011 in this appeal of right from the February 3, 2012 final order. Further, there is no requirement to specify such prior orders in the claim of appeal because only the order appealed from, e.g., the final order, should be designated in a claim of appeal. See MCR 7.204(D)(1). To the extent that appellant may raise issues regarding any order entered subsequently to the February 3, 2012 final order, such issues would be outside the scope of the present appeal, but that does not affect this Court's jurisdiction over the appeal. Rather, such concerns would regard whether a particular issue is properly presented as a ground for relief in this appeal.

Appellant's motion to amend the claim of appeal to include orders entered prior to entry of the February 3, 2012 final order is also DENIED as unnecessary because he is already free to challenge those prior orders in this appeal.



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

AUG 09 2012

Date

A handwritten signature in black ink, appearing to read "Larry S. Royster", is written over a horizontal line. Below the line, the words "Chief Clerk" are printed.

Chief Clerk