

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Birmingham Royal Oak Medical Group PC v Intermedcorp Inc**

Docket No. **308994**

L.C. No. **10-008437-CK**

William B. Murphy, Chief Judge, acting under MCR 7.203(F)(1), orders:

The claim of appeal is **DISMISSED IN PART** for lack of jurisdiction. The claim of appeal from the December 19, 2011, order of dismissal and prior orders is **DISMISSED** for lack of jurisdiction because the claim of appeal was not timely filed with respect to the final order of dismissal. MCR 7.204(A)(1)(b). The December 19, 2011, order was the first final order as defined in MCR 7.202(6)(a)(i) and the subsequent motion for case evaluation sanctions did not extend the time for filing an appeal from the December 19, 2011, order. *Baitinger v Brisson*, 230 Mich App 112; 583 NW2d 481 (1998). At this time, appellant may seek to appeal the December 19, 2011, order only by filing a delayed application for leave to appeal under MCR 7.205(F).

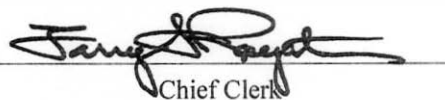
The appeal may proceed with respect to the February 17, 2012, order awarding attorney fees and costs as case evaluation sanctions.



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

MAR 21 2012

Date


Chief Clerk