

# Court of Appeals, State of Michigan

## ORDER

George Fraki v Dennis Fraki

Docket No. 311304

LC No. 2010-014694-CH

Peter D. O'Connell  
Presiding Judge

Donald S. Owens

Michael J. Kelly  
Judges

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The Court orders that the motion to dismiss for lack of jurisdiction is DENIED because appellee has not established that this Court lacks jurisdiction over the claim of appeal in whole or in part. Contrary to the premise of the motion to dismiss, this Court's jurisdiction over an appeal of right is not determined in whole or in part by the issues raised on appeal by an appellant. Rather, this Court is vested with jurisdiction over an appeal of right by the timely filing of a claim of appeal and provision of an entry fee. MCR 7.204(B). Accordingly, whether this Court has jurisdiction over a claim of appeal is determined by whether it was filed from an order that is appealable of right to this Court, MCR 7.203(A), and whether it was timely filed, MCR 7.204(A). An assertion by an appellee that issues raised on appeal are outside the proper scope of an appeal of right is properly presented by the appellee as part of its argument with regard to the proper disposition of the appeal, not as a ground for seeking to dismiss an appeal of right.



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

OCT 25 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