

# Court of Appeals, State of Michigan

## ORDER

Craig W Padlo v Michael S Wallace

Docket No. 311359

LC No. 08-023920-CK

Kirsten Frank Kelly  
Presiding Judge

Patrick M. Meter

Deborah A. Servitto  
Judges

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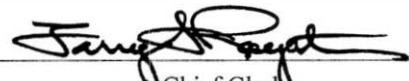
The Court orders that the motion for reconsideration is DENIED. It is manifest that the April 19, 2012 order is a final order under MCR 7.202(6)(a)(i) as the first judgment or order that disposes of all claims in this case and adjudicates the rights and liabilities of the parties. We note that MCR 7.202(6)(a)(i) defines a final order in terms of disposing of all *claims* in a case. Accordingly, the existence of a pending motion in the trial court does not preclude an order from being a final order. See *Nordstrom v Auto-Owners Ins Co*, 486 Mich 962; 782 NW2d 779 (2010). Further, nothing in the language of the April 19, 2012 order qualifies its confirmation of the arbitration award and entry of judgment based on resolution of appellant's motion to vacate the arbitration award. Any oral statements regarding the point at the underlying motion hearing are immaterial because "a court only speaks through written judgments and orders." *Brausch v Brausch*, 283 Mich App 339, 353; 770 NW2d 77 (2009). It is also immaterial whether the trial court may have erred in entering the April 19, 2012 order in light of MCR 3.602(J)(3) because whether an order was entered correctly or erroneously is immaterial to whether it is a final order under MCR 7.202(6)(a)(i). It follows that the May 24, 2012 order is not a final order under MCR 7.202(6)(a)(i) because it does not dispose of any claim in this case or alter the disposition of the claims in the April 19, 2012 order.



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

NOV 05 2012

Date

  
Chief Clerk