

Court of Appeals, State of Michigan

ORDER

Cindy Schaaf v Ronald H Ring

Docket No. 313859

LC No. 2011-008633-CH

David H. Sawyer, Chief Judge Pro Tem, acting under MCR 7.203(F)(1), orders:

The claim of appeal is DISMISSED for lack of jurisdiction. Read literally, the claim of appeal indicates that appellants claim an appeal from a November 26, 2012 order denying a motion for reconsideration of an October 2, 2012 order. However, an order denying a motion for reconsideration is not a final order appealable of right. MCR 7.202(6)(a); MCR 7.203(A). Further, the claim of appeal cannot be saved by treating it as being taken from the underlying October 2, 2012 order because that order is also not a final order appealable of right. MCR 7.202(6)(a); MCR 7.203(A). The October 2, 2012 order is not a final order under MCR 7.202(6)(a)(i) because it does not dispose of all claims in this case since it leaves the claims against defendants Richard J. Haener and Sandra L. Haener undisposed.

The motion to remand is DENIED as moot. Notably, this Court's jurisdiction over the claim of appeal could not be saved by remanding this case for entry of an actual final order because this Court's jurisdiction over a claim of appeal must be vested at the time of its filing. See MCR 7.204(B).



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

FEB 12 2013

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