

Court of Appeals, State of Michigan

ORDER

Lindsay Clark Ross v Tony Andreski Inc

Docket No. 325531

LC No. 10-004329-CH

Peter D. O'Connell
Presiding Judge

Patrick M. Meter

Michael F. Gadola
Judges

The Court orders that the motion to dismiss this appeal is DENIED because the December 2, 2014 order appealed from constitutes a final order as a postjudgment order awarding costs, MCR 7.202(6)(a)(iv), since that postjudgment order awards costs of \$211.59. Thus, the December 2, 2014 order is appealable of right. MCR 7.203(A)(1). Further, regardless of the content of appellant's brief, this Court was vested with jurisdiction over this appeal by the timely filing of the claim of appeal and payment of the entry fee. MCR 7.204(B). To the extent that appellant may be raising issues in his brief outside the proper scope of this appeal or issues that are barred by res judicata, law of the case, or failure to order a transcript, those are matters that go to the proper resolution of the merits of the appeal, not to whether this Court has jurisdiction over this appeal. It is also plain that the improper inclusion of additional alleged parties in the caption of the claim of appeal amounts to a clerical error that is not material to this Court's jurisdiction.

This order is without prejudice to the ability of appellees to file a motion to affirm or a motion to strike issues in appellant's brief that are outside the proper scope of this appeal.



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

MAY 15 2015

Date


Chief Clerk