

Court of Appeals, State of Michigan

ORDER

Fisher Sand and Gravel Company v Neal A Sweebe Inc

Docket No. 330648

LC No. 09-005960-CK

Donald S. Owens
Presiding Judge

Patrick M. Meter

Amy Ronayne Krause
Judges

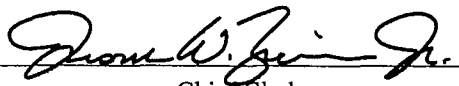
The Court orders that the motion to dismiss this appeal for lack of jurisdiction is GRANTED because the order dated November 20, 2015 and entered in the circuit court register of actions on November 24, 2015 is not a final order appealable of right. MCR 7.202(6)(a); MCR 7.203(A). At minimum, that order is not a final order under MCR 7.202(6)(a)(i) because it does not determine the amount of the late fee awarded to appellee. Contrary to appellant's indication, the order did not find the amount of the late fee awarded to be \$3,718.32 but rather merely indicates that appellee claimed that amount and that appellant was entitled to collect the late fee owing when the complaint was filed. However, the trial court did not actually determine the amount of the late fee owed. In other words, the order does not determine if appellee is entitled to the full \$3,718.32 it claimed as a late fee. We note that we see no sound reason to treat the claim of appeal as an application for leave to appeal where appellant will presumably be able to file a proper claim of appeal after the trial court enters an actual final judgment under MCR 7.202(6)(a)(i).



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

FEB 23 2016

Date


Chief Clerk