

# Court of Appeals, State of Michigan

## ORDER

Lawrence M Clarke Inc v Kim S Draeger

Docket No. 336481

LC No. 08-000227-CZ

Peter D. O'Connell  
Presiding Judge

Michael J. Kelly

Brock A. Swartzle  
Judges

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The Court orders that the motion to dismiss the claim of appeal is DENIED. Contrary to the premise of the motion the trial court's October 25, 2016 opinion and order cannot reasonably be considered to have *disposed* of the claims in this case so as to be a final order under MCR 7.202(6)(a)(i) where it expressly contemplated that a judgment would subsequently be entered to actually award damages as to the claims. Rather, it appears manifest that the January 3, 2017 judgment is the final judgment under MCR 7.202(6)(a)(i). Further, the claim of appeal initiating this appeal was timely filed after entry of that judgment. MCR 7.204(A)(1)(a).



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

**MAR 30 2017**

Date

  
Chief Clerk