

Court of Appeals, State of Michigan

ORDER

Kathy J Diem v Home-Owners Insurance Company

Docket No. **336641**

LC No. **15-900011-NI**

Christopher M. Murray, Chief Judge Pro Tem, acting under MCR 7.203(F)(1), orders:

The claim of appeal is DISMISSED for lack of jurisdiction because the January 23, 2017 order appealed from is not a final order appealable of right. MCR 7.202(6)(a); MCR 7.203(A). That order is not a final order under MCR 7.202(6)(a)(i) because it leaves the claim(s) against defendant Douglas Gildenstern undisposed. The January 23, 2017 order does not actually dispose of the claims against Gildenstern where, by its express terms, it only dismissed this suit as to another defendant. Further, it is apparent that, while a default was entered against Gildenstern, no default judgment or other judgment or order was entered to actually dispose of the claims against him. The trial court's certification of the January 23, 2017 order as final is not controlling. *Faircloth v Family Independence Agency*, 232 Mich App 391, 400-401; 591 NW2d 314 (1998). Appellants may file a timely claim of appeal after entry of a final judgment or order disposing of the claim(s) against Gildenstern.



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

FEB 09 2017

Date


Chief Clerk