

Court of Appeals, State of Michigan

ORDER

Janice A Moses v James O'Neill

Docket No. **337876**

LC No. **14-640131-CZ**

Michael J. Talbot, Chief Judge, acting under MCR 7.203(F)(1), orders:

The claim of appeal is DISMISSED for lack of jurisdiction. The March 27, 2017 order that appellant identifies as the final order was related to, and entered in, lower court docket no. 13-630290-CZ and not the instant case. Because that order did not resolve or dispose of any claims in the instant case, it is not a final order for purposes of this case. Further, that order is not a final order appealable by right even if it was related to this case. MCR 7.202(6)(a); MCR 7.203(A). It is not a final order under MCR 7.202(6)(a)(i) because it dismissed Count II of the first-amended complaint in 13-630290-CZ without prejudice and without resolving the merits of that claim, and it allowed for the possibility of further proceedings as to that claim. *Detroit v Michigan*, 262 Mich App 542, 543-545; 686 NW2d 514 (2004). The fact that the order states that it is “a final order and closes the case” is not controlling. *Faircloth v Family Independence Agency*, 232 Mich App 391, 400; 591 NW2d 341 (1998). Appellant may seek to appeal any appropriate order(s) in this case by filing a delayed application for leave to appeal within the time limit allowed by MCR 7.205(G).



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

APR 25 2017

Date


Chief Clerk