

# Court of Appeals, State of Michigan

## ORDER

Ronald Brownlow v McCall Enterprises Inc

Docket No. 339006

LC No. 10-000049-NZ

David H. Sawyer  
Presiding Judge

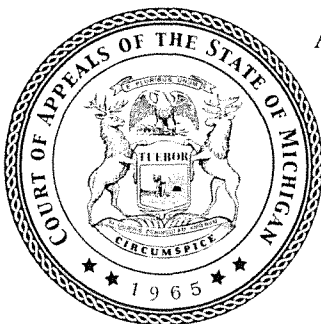
William B. Murphy

Mark T. Boonstra  
Judges

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The Court orders that the motion to dismiss pursuant to MCR 7.211(C)(2) is DENIED. The order signed on June 14, 2017, and entered on the register of actions on June 20, 2017, was appealable by right, MCR 7.203(A)(1); MCR 7.202(6)(a)(iv), and the claim of appeal was timely filed from that specific order, MCR 7.204(A)(1)(a). The appeal in this case is, however, limited "to the portion of the [June 20, 2017] order with respect to which there is an appeal of right." MCR 7.203(A). Thus, this appeal is limited to issues regarding the attorney fees and costs awarded in the June 20, 2017 order on appeal. Further, while the April 19, 2017 judgment was also final and appealable by right, MCR 7.203(A)(1); MCR 7.202(6)(a)(i), no claim of appeal was filed from that judgment and no issues related to that judgment may be raised in this appeal. The fact that the April 19, 2017 judgment did not indicate that it was a final order does not control this Court's jurisdiction. Cf. *Faircloth v Family Independence Agency*, 232 Mich App 391, 400; 591 NW2d 314 (1998).

On the Court's own motion, appellants' brief filed on November 13, 2017 is STRICKEN because it only raises issues outside the scope of this appeal. Appellants may file a brief on appeal, limited to issues of attorney fees and costs as awarded in the June 20, 2017 order, within 14 days of the Clerk's certification of this order. The failure to file an appellant's brief in accordance with this order may result in the involuntary dismissal of this appeal and assessment of costs without further notice to the parties.



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

DEC 27 2017

Date

  
Chief Clerk