

## Court of Appeals, State of Michigan

### ORDER

**Pioneer State Mutual Insurance Co v Stephen A Michalek**

Docket No.   **340016**

LC No.       **14-000245-CK**

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

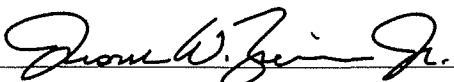
The claim of appeal is DISMISSED for lack of jurisdiction because it was not timely filed. MCR 7.204(A)(1)(a). The claim of appeal from the August 15, 2017 order was not filed within 21 days after entry of that order; it was filed on September 6, 2017, 22 days after entry of that order. MCR 7.204(A)(1)(a). Further, neither the August 15, 2017 order denying reconsideration of the March 15, 2017 opinion nor the March 15, 2017 opinion is a final order. MCR 7.202(6)(a). The July 17, 2017 judgment appears to be a final order appealable by right, MCR 7.202(6)(a)(i), notwithstanding language in the judgment indicating that it is not a final order. See, e.g., *Faircloth v Family Independence Agency*, 232 Mich App 391, 400; 591 NW2d 341 (1998). But, the September 6, 2017 claim of appeal was not filed within 21 days after entry of that judgment, MCR 7.204(A)(1)(a), or within 21 days after entry of an order deciding a timely filed motion for relief from that judgment, MCR 7.204(A)(1)(b). At this time, appellant may seek to appeal the August 15, 2017 order or any other orders in the case only by filing a delayed application for leave to appeal under MCR 7.205(G).



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

**SEP 26 2017**

Date

  
Chief Clerk