

Court of Appeals, State of Michigan

ORDER

Logan Schaub v James Albert Seyler

Docket Nos. 340993; 341102

LC No. 2017-031989-NI

Stephen L. Borrello
Presiding Judge

Peter D. O'Connell

Michael F. Gadola
Judges

On the Court's own motion, in lieu of dismissing the claim of appeal filed by plaintiff on November 16, 2017 and assigned Court of Appeals Docket Number 341102 for lack of jurisdiction, that claim of appeal is treated as a claim of cross appeal in Court of Appeals Docket Number 340993 taken against defendant James Albert Seyler as to the order dated November 8, 2017, and entered in the circuit court register of actions on November 9, 2017, granting Seyler's motion for summary disposition. Contrary to the language in that order it is not a final order under MCR 7.202(6)(a)(v) because it is not an order denying governmental immunity to a governmental party. Rather, the order granting summary disposition to Seyler is not itself a final order appealable of right. MCR 7.202(6)(a); MCR 7.203(A). But plaintiff was free to file a cross appeal as to the order granting summary disposition to Seyler under MCR 7.207(A)(2) based on the filing of the claim of appeal in Docket Number 340993 and plaintiff's claim of appeal was filed within the time allowed by MCR 7.207(B) for filing such a claim of cross appeal. Thus, in the interests of fairness and judicial economy, we treat plaintiff's claim of appeal as such a claim of cross appeal in Docket Number 340993. The Court notes that the \$375 entry fee paid by plaintiff is being retained because the cross appeal is taken as to a different order than the principal appeal.

In light of the relief provided in this order the Court of Appeals file in Docket Number 341102 is CLOSED.



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

NOV 30 2017

Date


Chief Clerk