

**Court of Appeals, State of Michigan**

**ORDER**

Sebastian Kuhlger v Michigan State University

Patrick M. Meter  
Presiding Judge

Docket Nos. 341339; 341364

Michael F. Gadola

LC No. 15-000047-MZ

Brock A. Swartzle  
Judges

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The Court orders that the motion for immediate consideration of the motion to dismiss the claim of appeal in Docket Number 341364 is GRANTED.

The motion to dismiss the claim of appeal in Docket Number 341364 is DENIED because plaintiff has not established that this Court lacks jurisdiction over that appeal. The holding in *In re Critchell Estate*, 361 Mich 432; 105 NW2d 417 (1960), is inapposite. Unlike that case involving a probate court order appointing an administrator of an estate, United Educators has a direct interest in challenging the entry of the tort judgment appealed from based on its position that plaintiff's tort claim is barred by the exclusive remedy provision of the worker's compensation law.

On the Court's own motion, the appeals in Docket Numbers 341339 and 341364 are CONSOLIDATED to advance the efficient administration of the appellate process. Further, the Clerk's Office is directed to refund the \$375 entry fee paid in Docket Number 341364 because a \$375 entry fee had already been paid in Docket Number 341339. MCL 600.321(1)(a).

The motion to hold appeals in abeyance is GRANTED so that the present appeals in Docket Numbers 341339 and 341364 are held in abeyance pending the issuance of this Court's opinion disposing of the appeals in Docket Numbers 332442 and 338363. The briefs on appeal for the appellants in both present appeals shall be due 56 days after the issuance of this Court's opinion disposing of the appeals in Docket Numbers 332442 and 338363.



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

JAN 03 2018

Date

Chief Clerk