

Court of Appeals, State of Michigan

ORDER

Richard Scott Witte v Barbara Ann Harrington

Colleen A. O'Brien
Presiding Judge

Docket No. 341710

Kathleen Jansen

LC No. 2014-004182-NI

Elizabeth L. Gleicher
Judges

The Court orders that the motion to dismiss pursuant to MCR 7.211(C)(2) is GRANTED for the reason that the appeal is not within the Court of Appeals jurisdiction because the order appealed from, the December 12, 2017 order, is not a final order under MCR 7.202(6)(a)(i). Instead, it is clear that the February 27, 2017, order requiring enforcement of the settlement agreement was the actual final order in this case. This was the first judgment or order that disposed of all claims under MCR 7.202(6)(a)(i). The December 12, 2017, order was a post-judgment order which simply approved the actions of the receiver in carrying out the settlement agreement. Although the December 12, 2017, order contains language to indicate that it is a "final order," it is well settled the trial court's certification that an order is final is not controlling on this Court. *Faircloth v Family Independence Agency*, 232 Mich App 391, 400-401; 591 NW2d 314 (1998).



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

SEP 04 2018

Date

Chief Clerk