

# Court of Appeals, State of Michigan

## ORDER

ADR Consultants LLC v Michigan Land Bank Fast Track Authority

Patrick M. Meter  
Presiding Judge

Docket No. 341903

Michael F. Gadola

LC No. 15-000177-MK

Brock A. Swartzle  
Judges

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The Court orders that the motion for immediate consideration is GRANTED.

The motion to strike the claim of appeal is recognized as actually constituting a motion to dismiss this appeal and is DENIED. The relevant motions for summary disposition included argument that appellants were entitled to summary disposition based on appellee's alleged failure to fully comply with MCL 600.6431. This necessarily constituted argument that appellants were entitled to summary disposition based on governmental immunity because appellee did not meet the requirements of MCL 600.6431 which "must be met in order to bring suit against a governmental entity in derogation of governmental immunity." *McCahan v Brennan*, 492 Mich 730, 737; 822 NW2d 747 (2012). Thus, the order appealed from, which denies the relevant motions for summary disposition, constitutes a final order under MCR 7.202(6)(a)(v) as an order denying governmental immunity to a governmental party. As such, that order is appealable of right. MCR 7.203(A)(1). We note that the relevant court rule provisions do not include any exclusion from the final order definition under MCR 7.202(6)(a)(v) for an order that indicates it is rejecting arguments that had previously been rejected by the trial court.

The motion for sanctions for vexatious proceedings is DENIED in light of the denial of the motion to dismiss this appeal.



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

JAN 29 2018

Date

  
Chief Clerk