

# Court of Appeals, State of Michigan

## ORDER

In re Huhta Estate

Docket No. 343863

LC No. 2016-025897-CZ

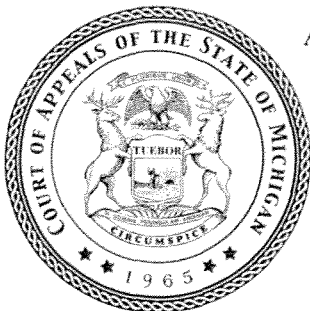
Amy Ronayne Krause  
Presiding Judge

Patrick M. Meter

Michael F. Gadola  
Judges

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The Court orders that the motion to dismiss for want of jurisdiction is DENIED because appellee has not clearly established that the March 22, 2018 opinion and order appealed from is not a final judgment or order under MCR 7.202(6)(a)(i) as the first judgment or order disposing of all claims and adjudicating the rights and liabilities of both parties as to this case. The March 22, 2018 opinion and order does dispose of appellee's claim for double damages in this case because, in determining that only a personal representative can bring such an action for double damages and that neither party to this case is appropriate to appoint as such a personal representative, the opinion and order necessarily rejects appellee's claim for double damages to be awarded in this probate court civil action case. This is true regardless of whether a personal representative eventually appointed as to decedent's estate may later bring a separate action against appellant for such damages. Further, appellee presents no actual argument to establish that the March 22, 2018 opinion and order should not be considered a final money judgment where it appears to decide the remaining claims in this case and to determine the final amount of money that it awards to appellee from appellant.



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

SEP 19 2018

Date

  
Chief Clerk