

Court of Appeals, State of Michigan

ORDER

CIT Bank NA v Fred Zwerk

Docket No. 344626

LC No. 17-033295-CH

Christopher M. Murray, Chief Judge, acting under MCR 7.203(F)(1), orders:

The claim of appeal is DISMISSED for lack of jurisdiction because the June 20, 2018 order appealed from is not a final order appealable of right. MCR 7.202(6)(a); MCR 7.203(A). That order is not a final order under MCR 7.202(6)(a)(i) because it leaves the claim(s) against defendant United States of America undisposed. The mere entry of a default against that defendant, without entry of a default judgment, did not dispose of the claims against it. Further, regardless of the rationale of the June 20, 2018 order granting summary disposition to appellees, it did not actually enter a disposition as to the claim(s) against defendant United States of America. At this time, appellant may seek to appeal the June 20, 2018 order by filing a delayed application for leave to appeal under MCR 7.205(G). Alternatively, appellant may file a claim of appeal following entry of an actual final order under MCR 7.202(6)(a)(i) in this case.



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

JUL 31 2018

Date


Chief Clerk