

Court of Appeals, State of Michigan

ORDER

Kathy Hahn v Gary Vanduker

Docket No. 345941

LC No. 2017-162032-NI

Kathleen Jansen
Presiding Judge

Mark J. Cavanagh

Deborah A. Servitto
Judges

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

In lieu of granting leave to appeal, pursuant to MCR 7.205(E)(2), the Court orders that the Oakland Circuit Court's September 27, 2018 order denying plaintiff and Michigan Auto Law's emergency motion to quash garnishment is REVERSED. An order awarding attorney fees, by itself, does not constitute a money judgment or final order enforceable by execution. *Schoensee v Bennett*, 228 Mich App 305, 317; 577 NW2d 915 (1998). The June 28, 2018 order granting defendant Big Five Entertainment costs and attorney fees did not dispose of all claims and adjudicate the rights and liabilities of all the parties and so was not a final judgment or final order under MCR 7.202(6)(a)(i). See *Elher v Metro Indust Contr Inc*, 261 Mich App 569; 576-577; 683 NW2d 242 (2004). Nor can that order be considered a postjudgment order awarding fees and costs, because it was not issued after a judgment. MCR 7.202(6)(a)(iv). Since no final judgment was entered, execution may not issue on the award. MCR 2.614(A)(1). The garnishment based on the award of costs and fees was premature and must be quashed. In all other respects the application is denied. This order is to have immediate effect. MCR 7.215(F)(2).

The motion for stay is DENIED as moot.

The Court retains no further jurisdiction.



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

DEC - 6 2018

Date


Chief Clerk