

Court of Appeals, State of Michigan

ORDER

David L Gavitt v State of Michigan

Docket No. **346150**

LC No. **17-000122-MZ**

Jane M. Beckering, Chief Judge Pro Tem, acting under MCR 7.203(F)(1), orders:

The claim of appeal is DISMISSED for lack of jurisdiction because the September 11, 2018 order 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)(v) because it does not deny a claim of governmental immunity. Rather, properly understood, appellant's position in its underlying summary disposition motion involved whether appellee presented adequate evidence of the required element of his claim under MCL 691.1755(1)(c), not an argument that appellant was immune from appellee's wrongful imprisonment claim. See *Snead v John Carlo, Inc*, 294 Mich App 343, 360 n 9; 813 NW2d 294 (2011), quoting *Glancy v City of Roseville*, 457 Mich 580, 588; 577 NW2d 897 (1998). Dismissal is without prejudice to the filing of a late application for leave to appeal under MCR 7.205(G), provided such a filing meets all requirements under the court rules and is not time-barred.

The claim of cross appeal is also DISMISSED for lack of jurisdiction because there is no actual appeal of right to support the filing of a cross appeal. MCR 7.207(A)(1).



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

NOV 20 2018

Date


Chief Clerk