

## Court of Appeals, State of Michigan

### ORDER

**Jan Akervall v Marilyn S Gooding**

Docket No.   **348314**

LC No.       **17-000823-CH**

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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 January 29, 2019 order appealed from is not a final order appealable by right. MCR 7.203(A)(1); MCR 7.202(6)(a). Specifically, the January 29, 2019 order is not a final order pursuant to MCR 7.202(6)(a)(i) because it did not dispose of all the claims and adjudicate the rights and liabilities of all the parties. Moreover, the February 14, 2019 order, which was entered on the stipulation of the parties, is also not a final order appealable by right because it dismissed the last remaining claims in the case without resolving the merits of those claims or barring those claims from being resurrected in the future. *Detroit v Michigan*, 262 Mich App 542, 545; 686 NW2d 514 (2004). The fact that the February 14, 2019 order states that it “is a final order that resolves the last outstanding issue and closes the case” is not controlling. *Faircloth v Family Independence Agency*, 232 Mich App 391, 400; 591 NW2d 314 (1998). Dismissal is without prejudice to the filing of a late appeal under MCR 7.205(G), provided such a filing meets all requirements under the court rules and is not time-barred.



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

**APR 16 2019**

Date

  
Chief Clerk