

Court of Appeals, State of Michigan

ORDER

Elizabeth Baker v Visser Brothers Inc

Docket No. **350596**

LC No. **18-008184-NO**

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

The claim of appeal is DISMISSED for lack of jurisdiction. MCR 7.203(A)(1). The August 16, 2019 order was not a final order as defined in MCR 7.202(6)(a)(i) because it did not dispose of plaintiff's claims against defendant Twin Lakes Nursery, Inc., and no other order in the case disposed of those claims. The trial court's designation that the August 16, 2019 "order resolves the last pending claim and closes the case" does not control whether the order is actually a final order appealable by right, and the trial court's designation is not determinative for purposes of this Court's jurisdiction. See *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 that 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

OCT - 8 2019

Date


Chief Clerk