Court of Appeals, State of Michigan

ORDER

Majestic Golf LLC v Lake Walden Country Club Inc

Docket No. 351678

LC No. 09-024146-CZ

Michael J. Kelly
Presiding Judge

Michael F. Gadola

Brock A. Swartzle
Judges

The Court orders that the motion to dismiss the claim of appeal in this file is GRANTED. The November 7, 2019 order appealed from is not a declaratory judgment, so as to be a final judgment under MCR 2.605(E) because it does not declare the meaning of disputed contractual language but rather effectively provides for enforcement and implementation of a prior stipulated February 18, 2009 order. Further, the November 7, 2019 order is not a final order under MCR 7.202(6)(a)(i) because it does not actually dispose of any claim of the parties and, thus, cannot be a final order as an order disposing of all claims. Accordingly, the November 7, 2019 order is not appealable of right. MCR 7.203(A). Appellant may seek to appeal the November 7, 2019 order by filing a delayed application for leave to appeal within the applicable time limit.

Thus, we also DISMISS the claim of cross appeal. Because there is no actual appeal of right in this file it follows there is also no right to a cross appeal in these circumstances. MCR 7.207(A)(1).

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

JAN 17 2020

Date

Chief Clerk