

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Barry Chessick v High Point Real Estate LLC**
Docket No. **279261**
L.C. No. **2006-003190-CH**

William C. Whitbeck, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10),
orders:

The claim of appeal is **DISMISSED** for lack of jurisdiction because no MCR 7.202(6)(a)(i) final order has been entered yet as a dismissal without prejudice does not constitute an adjudication of the rights and liabilities of the parties as is required by MCR 7.202(6)(a)(i). Though the facts may be different the legal principle set forth in *City of Detroit v State of Michigan*, 262 Mich App 542 (2004) is still the same. There is no appeal of right in the Court of Appeals while there are still dangling claims in the trial court. It must be noted that even though appellant was given the opportunity appellant does not assert that the counter claim was moot or that the parties had agreed that the counter claim would only be reinstated if this Court reversed the order granting summary disposition on the complaint filed by plaintiff.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

AUG 30 2007

Date

Sandra Schultz Mengel
Chief Clerk