

**Court of Appeals, State of Michigan**

**ORDER**

Warwick Shores Condominium Association v William W Cox

Cynthia Diane Stephens  
Presiding Judge

Docket No. 317537

Kathleen Jansen

LC No. 08-000361-CK

Donald S. Owens  
Judges

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The Court orders that the motion for reconsideration is DENIED. The July 12, 2013 order appealed from is not a final order because it plainly does not dispose of any claim in this case. This is true regardless of whether appellants are correct in arguing that the trial court erred in that order in concluding that the claims for injunctive relief were disposed of in the October 12, 2011 order. If appellants are correct in that assertion then those claims have not been disposed of in the trial court, so no final order under MCR 7.202(6)(a)(i) would have been entered in this case. The holding in *Rooyakker & Sitz, PLLC v Plante & Moran, PLLC*, 276 Mich App 146, 148; 742 NW2d 409 (2007), that a circuit court order referring the remaining claims in a case to arbitration constituted a final order under MCR 7.202(6)(a)(i) is inapposite because that order, unlike the July 12, 2013 order in this case, disposed of the relevant claims in the circuit court action. We note that the presumption must be that courts act in good faith. See, e.g., *In re Contempt of Henry*, 282 Mich App 656, 680; 765 NW2d 44 (2009) (referring to heavy presumption of judicial impartiality). Thus, we must presume that a trial court would not deliberately mischaracterize a prior order to deprive a party of an appeal of right. Further, regardless of whether the conclusions in the order appealed from are correct on their merits, the circumstances of the present case involving a prior order entered on stipulation of the parties with the trial court providing an interpretation of that prior order in the order appealed from do not support a conclusion of any such improper conduct by the trial court.



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

**NOV 22 2013**

Date

Chief Clerk