

# Court of Appeals, State of Michigan

## ORDER

Applebee Oil Company v Michigan Milk Producers Association

Docket No. 327514

LC No. 14-011291-CH

Stephen L. Borrello  
Presiding Judge

Michael J. Kelly

Michael F. Gadola  
Judges

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Appellee Michigan Milk Producers Association's motion for leave to file reply brief to the answer to the motion to dismiss is GRANTED. Appellants' motion for leave to file a response to that reply brief is also GRANTED.

The motion to dismiss this appeal for lack of jurisdiction is DENIED because we exercise our discretion to treat the claim of appeal as an application for leave to appeal and grant leave to appeal so that this appeal may proceed to resolution on its merits. See, e.g., *Wardell v Hincka*, 297 Mich App 127, 133 n 1; 822 NW2d 278 (2012). We do so in light of the fact that this appeal was pending for nearly eight months before the motion to dismiss was filed after appellants' brief on appeal had already been filed and because, while the order appealed from does not appear to technically be a final order under MCR 7.202(6)(a)(i), it is evident that it disposes of the core substantial issues in this case.



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

MAR 25 2016

Date

Chief Clerk