

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Kelly Denk v Jeffrey C Marderosian DDS**
Docket No. **275156**
L.C. No. **04-004281-NH**

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

The claim of appeal filed on December 19, 2006, is DISMISSED for lack of jurisdiction. As to the MCR 7.202(6)(a)(i) March 31, 2006 final judgment the claim of appeal is untimely since it was not filed within 21 days of the June 30, 2006 order denying the motion for JNOV as required by MCR 7.204(A)(1)(b). Regardless of the erroneous statements in both the March 31, 2006 judgment and June 30, 2006 order, the last claim had been disposed of by the March 31, 2006 final judgment. A request for attorney fees and costs is not a claim as that term is used in MCR 7.202(6)(a)(i). See *Baitinger v Brisson*, 230 Mich App 112 (1998) and MCR 7.202(6)(a)(iv). The claim of appeal is also untimely from the June 30, 2006 final order granting \$14,060.00, in attorney fees as it was not filed within 21 days of June 30, 2006 as required by MCR 7.204(A)(1)(a). The claim of appeal is only timely as to the November 29, 2006 order for \$3705.02, in attorney fees, but a review of the docketing statement shows that appellants have no issues that are specific to that order. Appellants may only appeal by filing an application for delayed appeal under MCR 7.205.



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

JAN 19 2007

Date

Sandra Schultz Mengel
Chief Clerk