

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Roadway Express Inc v Department of Treasury**
Docket No. **275226**
L.C. No. **05-000186-MK**

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

The appeal initiated on December 27, 2006, is **DISMISSED** for lack of jurisdiction because the order being appealed was not a final order at the time that the claim was filed. If a party files a motion for a new trial, reconsideration, rehearing, or similar postjudgment relief within 21 days of the entry of a final order, the finality of the order is suspended until the trial court denies that motion. An appeal as of right may then be claimed from the final order within 21 days after entry of the order denying the motion. See MCR 7.204(A)(1)(b). A claim of appeal that is filed before the entry of the denial order is a premature claim. In this case a motion to amend was filed prior to the claim of appeal being filed.



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

JAN 11 2007

Date

Sandra Schultz Mengel
Chief Clerk