

Court of Appeals, State of Michigan

ORDER

Richard A Tack v Lamar Construction Company

Docket No. 279477

LC No. 06-000020-NO

Bill Schuette
Presiding Judge

Stephen L. Borrello

Alton T. Davis
Judges

The Court orders that the motion to dismiss pursuant to MCR 7.211(C)(2) is GRANTED, and the claim of appeal filed on July 20, 2007, is DISMISSED for lack of jurisdiction because it was not filed within 21 days of the May 14, 2007, MCR 7.202(6)(a)(i) final order as required by MCR 7.204(A)(1)(a). The July 16, 2007, order, which was not even requested within 21 days of the May 14, 2007, order, was not a MCR 7.202(6)(a)(i) final order as it was not the first order disposing of the claims of the parties. Titling the order as a final judgment and adding the language that the order “resolves the last pending claims and closes the case” did not make it the final order. The language regarding resolving the last pending claim is not a jurisdictional requirement for an appeal to the Court of Appeals. The function of that language is for case management purposes for the circuit court. Any appeal to this Court must be by application for leave to appeal under MCR 7.205.



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

SEP 10 2007

Date

Sandra Schultz Mengel
Chief Clerk