

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Susan Fowler v Detroit Symphony Orchestra Inc**
Docket No. **280465**
L.C. No. **05-535724-NO**

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

The claim of appeal is **DISMISSED** for lack of jurisdiction because the July 16, 2007 order granting defendant's motion for summary disposition against third-party defendant is not a final order for the reason that complete resolution of defendant's indemnification claim against third-party defendant is still outstanding. See MCR 2.604(A) and 7.202(6)(a)(i). While the July 16, 2007 order provides that third-party defendant is responsible to indemnify defendant for certain expenses it does not determine the amount of those expenses and, thus, does not fully dispose of the indemnification claim. As a result, appellant may only appeal from the July 16, 2007 order at this time by filing a delayed application for leave to appeal under MCR 7.205. See MCR 7.203(B)(1).



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

SEP 21 2007

Date

Sandra Schultz Mengel

Chief Clerk