

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Jefferson Beach Properties LLC v Wagner Family Company**
Docket No. **281915**
L.C. No. **07-000463-CZ**

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

The claim of appeal filed on November 2, 2007, is DISMISSED for lack of jurisdiction because the order of October 15, 2007, is not a final order as defined by MCR 7.202(6)(a)(i) because counts II, III, and IV were dismissed without prejudice. See *Detroit v Michigan*, 262 Mich App 542 (2004). A review of the complaint in this case shows that those three counts did not seek the same remedy that count I did. Furthermore, even with the trial court's decision on count I, it does not follow that plaintiff would not be entitled to some relief in the matter. See count IV for example. Therefore, the October 15, 2007 order did not adjudicate the rights and liabilities of the parties as required by MCR 7.202(6)(a)(i).



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

DEC 27 2007

Date

Sandra Schultz Mengel

Chief Clerk