

Court of Appeals, State of Michigan

ORDER

Traci A Messenger v James T Heos

Docket No. 279968

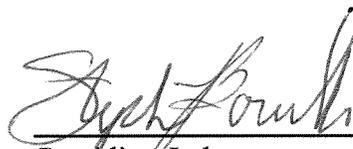
LC No. 03-001853 NM

Stephen L. Borrello
Presiding Judge

Bill Schuette

Alton T. Davis
Judges

The Court orders that the motion for peremptory reversal, which is actually a motion to dismiss as demonstrated by paragraph 14 of the motion, is DENIED for lack of merit in the ground presented. The correct issue is whether the trial court has jurisdiction to act, regardless of a citation to a court rule that is inapplicable, when there is still a pending claim in the trial court as determined by the Court of Appeals. Pursuant to MCR 2.602(A)(3) and MCR 2.604(A), the trial court has the responsibility and jurisdiction to manage a case until a final order is entered. Once this Court concluded that a dismissal without prejudice was not a final order, meaning the counter claim was not yet disposed of, the trial court had jurisdiction to take the necessary action to enter a final order.



Presiding Judge



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

JAN 04 2008

Date



Chief Clerk