IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Continental Teves Inc v Wescast Industries Cordelle LLC**
Wescast Industries Cordelle LLC v Continental Teves Inc

Docket Nos. **282073 & 282074**
L.C. Nos. **2005-067103-CZ & 2006-075149-CZ**

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

The claim of appeal from the October 29, 2007 order dismissing the claims against defendant Mary McVeigh without prejudice is DISMISSED for lack of jurisdiction. "The parties' stipulation to dismiss the remaining claims without prejudice is not a final order that may be appealed as of right; it does not resolve the merits of the remaining claims and, as such, those claims are 'not barred from being resurrected on that docket at some future date.' *Wickings v Arctic Enterprises, Inc,* 244 Mich App 125, 134-136; 624 NW2d 197 (2000). The parties' stipulation to dismiss the remaining claims was clearly designed to circumvent trial procedures and court rules and obtain appellate review of one of the trial court's initial determinations without precluding further substantive proceedings on the remaining claims. This method of appealing trial court decisions piecemeal is exactly what our Supreme Court attempted to eliminate through the 'final judgment' rule. MCL 7.202(7)(a)(i) [sic]; *McCarty & Associates, Inc v Washburn,* 194 Mich App 676, 680; 488 NW2d 785 (1992)." *City of Detroit v State of Michigan*, 262 Mich App 542, 545; 686 NW2d 514 (2004).

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

JAN - 3 2008
Date

Sandra Schultz Mengel
Chief Clerk