

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Joseph Yount v Diana Yount**
Docket No. **285388**
L.C. No. **07-000663-DC**

Christopher M. Murray, Chief Judge Pro Tem, acting under MCR 7.203(F)(1) and 7.216(A)(10), orders:

The claim of appeal is DISMISSED for lack of jurisdiction. The May 6, 2008 order denying appellant's motion for summary disposition is not a final order appealable of right. MCR 7.202(6)(a); MCR 7.203(A). Particularly, that order is not "a postjudgment order affecting the custody of a minor." MCR 7.202(6)(a)(iii). A denial of a motion for summary disposition must reasonably be considered a prejudgment order, not a postjudgment order, because it is a preliminary order entered before the contemplated eventual entry of an order or judgment resolving a dispute on the merits. It is also apparent that none of the other definitions of a final order in a civil case provided by MCR 7.202(6)(a) are applicable to the May 6, 2008 order. At this time appellant may seek to appeal from the May 6, 2008 order only by filing an application for leave to appeal under MCR 7.205.

The motion for immediate consideration and the motion for peremptory reversal are DISMISSED as moot.



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

JUN - 4 2008

Date

Sandra Schultz Mengel
Chief Clerk