

Court of Appeals, State of Michigan

ORDER

1031 Lapeer LLC v Ricky L Rice

William C. Whitbeck
Presiding Judge

Docket No. 287251

Donald S. Owens

LC No. 2007-080079-CB

Alton T. Davis
Judges

The Court orders that the motion to dismiss pursuant to MCR 7.211(C)(2)(a) is GRANTED.

The claim of appeal from the July 16, 2008 order is DISMISSED. According to MCR 7.203(A)(1), this Court has jurisdiction to accept appeals of right filed by parties who are aggrieved by a final order of the circuit court or the court of claims. MCR 7.202(6)(a)(i) defines the initial final order as the first judgment or order that disposes of all the claims and adjudicates the rights and liabilities of all the parties. If an order neither disposes of all the claims nor adjudicates the rights and liabilities of parties, it must be considered non-final according to the above definition. Because the July 16, 2008 order only disposed of the counter-claim and allowed the complaint to go forward, it is by definition non-final. Consequently, this Court lacks jurisdiction to accept appellant's claim. MCL 600.308 and MCL 600.309.



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

DEC - 2 2008
Date

Sandra Schultz Mengel
Chief Clerk