IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Ryder Sales & Service LLC v Nestle USA Inc**
Docket No. **287815**
L.C. No. **08-115091-CK**

Henry William Saad, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10), orders:

The claim of appeal is DISMISSED for lack of jurisdiction because appellant failed to file the claim within 21 days of the August 21, 2008 final order as required by MCR 7.204(A)(1)(a). As a result, appellant may only challenge the order in question by filing a delayed application for leave to appeal under MCR 7.205. See MCR 7.203(B)(5).

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

OCT - 1 2008
Date

Sandra Schultz Mengel
Chief Clerk