

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **McDonald's Towing & Rescue Inc v Michael Fabijancic**
Docket No. **288445**
L.C. No. **07-000349 CK**

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

The claim of appeal filed on October 20, 2008 is DISMISSED for lack of jurisdiction because no order has been entered that constitutes a final order under MCR 7.202(6)(a)(i). An order that denies summary disposition to plaintiff maintains the status quo of the case prior to the filing of the motion for summary disposition. If it was the intent of the trial court to dismiss the case, an order either stating that the case was dismissed or granting summary disposition to the defendant was required. The subsequent order denying a motion for reconsideration simply maintained the status quo prior to the filing of the motion for reconsideration.



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

NOV 17 2008

Date

Sandra Schultz Mengel
Chief Clerk