

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Paul Schwendener III v Midwest Bank and Trust Company**
Docket No. **289306**
L.C. No. **07-007534 CH**

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

The claim of appeal filed on December 5, 2008, is DISMISSED for lack of jurisdiction. The order of November 17, 2008, is not a final order because the last defendant was dismissed without prejudice. An order dismissing without prejudice is not a final order under MCR 7.202(6)(a)(i) because it did not adjudicate the rights and liabilities as to that party. See *Detroit v Michigan*, 262 Mich App 542 (2004) and *Wickings v Arctic Enterprises Inc*, 244 Mich App 125 (2000).



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

DEC 19 2008

Date

Sandra Schultz Mengel

Chief Clerk