Court of Appeals, State of Michigan

ORDER

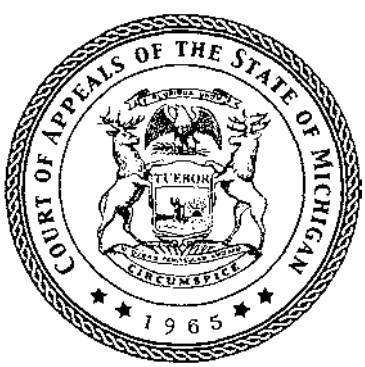
Nationstar Mortgage LLC v Oscar Thomas

Docket No. **313675**

LC No. **11-001189-CH**

David H. Sawyer, Chief Judge Pro Tem, acting under MCR 7.203(F)(1), orders:

The claim of appeal is DISMISSED for lack of jurisdiction. As this Court held in its August 8, 2012 order in *Nationstar Mortgage LLC v Oscar Thomas*, Docket No. 309160, the January 19, 2012 judgment is not a final judgment appealable of right. MCR 7.202(6)(a); MCR 7.203(A). Particularly, it is not a final judgment under MCR 7.202(6)(a)(i) because it left the case undisposed as to appellee Audrey Thomas. The February 22, 2012 order denying a motion for reconsideration is plainly not a final order appealable of right. MCR 7.202(6)(a); MCR 7.203(A). Further, the claim of appeal was not timely filed as to either the January 19, 2012 order or the February 22, 2012 order. MCR 7.204(A)(1)(a)-(b). The November 20, 2012 order denying appellant's motion to reopen the case is also not a final order appealable of right, MCR 7.202(6)(a); MCR 7.203(A). That order still leaves the claims against Audrey Thomas undisposed and, thus, is not a final order under MCR 7.202(6)(a)(i). The language in that order certifying it as final is not controlling. *Faircloth v Family Independence Agency*, 232 Mich App 391, 401; 591 NW2d 314 (1998). Appellant may seek to appeal the November 20, 2012 order by filing a delayed application for leave to appeal under MCR 7.205(F).



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

DEC 17 2012
Date

Chief Clerk