

Court of Appeals, State of Michigan

ORDER

White Cloud Public Schools v Orchard, Hiltz & McCliment, Inc

Docket No. 310207

LC No. 10-019538-NM

William B. Murphy
Presiding Judge

David H. Sawyer

Douglas B. Shapiro
Judges

The Court orders that the second motion to dismiss filed on March 27, 2013 is recognized as constituting a motion to dismiss both the appeal and cross appeal in this file as moot, MCR 7.211(C)(2)(c), and that motion is GRANTED. Both the appeal and cross appeal in this file are DISMISSED as moot because subsequent developments in the trial court, particularly its February 13, 2013 order, have rendered it impossible for this Court to grant relief as to the issues raised in the appeal and cross appeal which are predicated on appellee/cross-appellant having prevailed as to liability in the trial court. See, e.g., *McCracken v Detroit*, 291 Mich App 522, 531; 806 NW2d 337 (2011). We note that the claim of appeal filed on February 28, 2013 initiating Docket No. 315013 remains pending in this Court. Further, it is evident that the February 13, 2013 order appealed from in Docket No. 315013 is a final order under the proviso in MCR 7.202(6)(a)(i) defining an order entered after reversal of an earlier final judgment or order to be a final order, so that substantive issues may be raised on appeal in Docket No. 315013 regarding trial court orders entered prior to the February 13, 2013 order. *Green v Ziegelman*, 282 Mich App 292, 301 n 6; 767 NW2d 660 (2009).

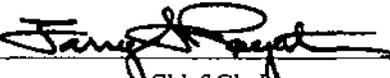
The first motion to dismiss filed on February 6, 2013 and the motion to hold appeal in abeyance are DENIED as moot.



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

MAR 19 2013

Date


Chief Clerk