

Court of Appeals, State of Michigan

ORDER

Thomas R Kalinowski v Robert Thomas McAlester

Donald S. Owens
Presiding Judge

Docket No. 313481

Michael J. Kelly

LC No. 10-003260-NI

Amy Ronayne Krause
Judges

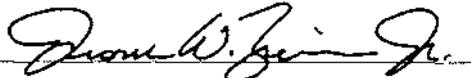
The Court orders that the motion to dismiss the claim of appeal is DENIED. Because the parties only stipulated to the form of the October 11, 2012 order of dismissal as to appellee and that order sets forth that the lower court's substantive resolution of appellant's claims against appellee was based on its resolution of a disputed motion for summary disposition that order does not constitute a consent order and the substantive resolution of the claims in favor of appellee is subject to appellate review. See *Ahrenberg Mechanical Contracting, Inc v Howlett*, 451 Mich 74, 78-79; 545 NW2d 4 (1996).



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

SEP - 4 2013

Date


Chief Clerk