Court of Appeals, State of Michigan

ORDER

Richard Warner v Suzanne S Schlaf; Suzanne S Schlaf v Anna Warner

Docket Nos. 316613; 316616

LC Nos. 12-050910-CZ; 06-044020-CH

Stephen L. Borrello
Presiding Judge

William C. Whitbeck

Amy Ronayne Krause
Judges

The Court orders that the motion to dismiss these appeals for lack of jurisdiction is DENIED. First, contrary to appellee's indication that the Clerk's Office of this Court erred by docketing appeals as to both lower court cases, appellants' claim of appeal is plainly framed as being filed with regard to both cases. Further, appellee has failed to show that the May 15, 2013 order appealed from is not a final order under MCR 7.202(6)(a)(i) as to either of those cases. As to Lower Court No. 12-050910-CZ, the May 15, 2013 order appears to fully dispose of appellants' claim in that action by setting aside the relevant default judgment entered in Lower Court No. 06-044020-CH as to appellants but declining to set it aside as to other parties. Contrary to Schlaf's argument that the May 15, 2013 order is not a final order as to Lower Court No. 12-050910-CZ because it does not determine the specific rights of appellants vis-à-vis Schlaf in the disputed property an order needs only to fully dispose of the claims in a case to be a final order under MCR 7.202(6)(a)(i). *Attorney General v Blue Cross Blue Shield of Michigan*, 291 Mich App 64, 76; 810 NW2d 603 (2010). As to Lower Court No. 06-044020-CH, Schlaf's position fails to give effect to the proviso in MCR 7.202(6)(a)(i) providing that an order entered after reversal of an earlier final judgment or order is a final order. Thus, assuming that Schlaf is correct in asserting that the default judgment was a final order, the May 15, 2013 order, which reversed that order as to appellants, would constitute a new final order in Lower Court No. 06-044020-CH. Because Schlaf has failed to show that the May 15, 2013 order is not a final order as to either lower court action, it is unnecessary to decide if they should be viewed as separate cases for purposes of appellate jurisdiction. Finally, as appellee effectively acknowledges, this Court has jurisdiction over this appeal under MCR 7.203(A) because appellants are aggrieved at least with regard to one issue. Whether additional issues are properly raised in this appeal and whether issues have been preserved are matters to be considered by the case call panel in deciding the merits of this appeal, but do not affect this Court's jurisdiction over the appeal.

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

OCT 15 2013
Date

Chief Clerk