

# Court of Appeals, State of Michigan

## ORDER

James O'Neill v Janice A Moses

Docket No. 328367

LC No. 13-630290-CZ

Jane M. Beckering  
Presiding Judge

Kurtis T. Wilder

Mark T. Boonstra  
Judges

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The Court orders that the motion for reconsideration is DENIED. Contrary to appellants' position, a final order under MCR 7.202(6)(a)(i) "is an order that disposes of all claims against all parties." *In re Estate of Kostin*, 278 Mich App 47, 50 n 2; 748 NW2d 583 (2008). Thus, the term "rights" as used in MCR 7.202(6)(a)(i) must refer to disposition of the rights of the parties as to the claims themselves which would not encompass a collateral matter such as quashing a subpoena to a nonparty. Further, the existence of MCR 7.202(6)(a)(iv), which defines a postjudgment order awarding or denying attorney fees and costs to be a distinct final order, belies appellants' position because it necessarily means that the existence of a remaining issue as to whether a party has a right to such an award does not prevent an earlier order disposing of the claims in a case from being a final order under MCR 7.202(6)(a)(i). Moreover, consent of the parties cannot confer jurisdiction on a court. *Clohset v No Name Corp*, 302 Mich App 550, 566 n 7; 840 NW2d 375 (2013). We also reject appellants' effort to distinguish this matter from the statement in *Faircloth v Family Independence Agency*, 232 Mich App 391, 400-401; 591 NW2d 314 (1998), that a trial court's certification of an order as final is not controlling because that statement was not tied to the specific facts of *Faircloth* but rather articulates a universal principle.



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

NOV 13 2015

Date

Chief Clerk