

Order

Michigan Supreme Court
Lansing, Michigan

June 11, 2010

Marilyn Kelly,
Chief Justice

140551

Michael F. Cavanagh
Elizabeth A. Weaver
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman
Diane M. Hathaway,
Justices

GRACE NORDSTROM, Personal Representative
of the Estate of Joseph J. Favazza, Jr.,
Plaintiff-Appellant,

v

SC: 140551
COA: 294705
Saginaw CC: 06-062957-NF

AUTO-OWNERS INSURANCE COMPANY,
Defendant-Appellee.

On order of the Court, the application for leave to appeal the December 1, 2009 order of the Court of Appeals is considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we VACATE the December 1, 2009 and January 26, 2010 orders of the Court of Appeals and REMAND this case to that court for reinstatement of the plaintiff's claim of appeal. The Court of Appeals erred in dismissing the plaintiff's claim of appeal for lack of jurisdiction. The plaintiff was entitled to file a timely claim of appeal from the trial court's October 5, 2009 final order. MCR 7.202(6)(a)(i); 7.204(A)(1)(a). The fact that the plaintiff had already filed a timely motion for reconsideration in the trial court, which remained pending when the claim of appeal was filed, did not operate to divest the Court of Appeals of jurisdiction. See MCR 7.208(A).

We do not retain jurisdiction.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

June 11, 2010

Corbin R. Davis

Clerk