

# Court of Appeals, State of Michigan

## ORDER

Rodney D Ellis v Dykema Gossett PLLC

Jane E. Markey  
Presiding Judge

Docket No. 301131

E. Thomas Fitzgerald

LC No. 07-010348-NO

Henry William Saad  
Judges

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The Court orders that the motion for immediate consideration is DENIED, but the motion for reconsideration is GRANTED. The order dated December 9, 2010, is VACATED insofar as it partially dismissed the claim of appeal, and the claim of appeal is REINSTATED as to the June 16, 2010 judgment contingent on appellants paying a \$375 entry fee to the Clerk of this Court within 21 days of the date of this order. A separate entry fee is required with regard to the June 16, 2010 judgment because it is a distinct final order from the two October 18, 2010 postjudgment orders regarding attorney fees and costs. MCR 7.204(B)(2).

However, the claim of cross appeal initially filed by appellants on December 13, 2010, returned by the Clerk of this Court on January 4, 2011, and refiled by appellants on January 12, 2011 is DISMISSED as moot in light of the reinstatement of appellants' claim of appeal as to the June 16, 2010 judgment.

The time for filing appellants' and cross appellant's briefs on appeal under MCR 7.212(A) shall be determined as if the claim of appeal and cross appellant's claim of cross appeal had both been filed on the date of this order.

Again, appellants must submit a \$375 entry fee to the Clerk of this Court within 21 days of the date of this order. Failure to comply with this requirement may result in dismissal of their claim of appeal as to the June 16, 2010 judgment.



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

**FEB 18 2011**

Date

  
Chief Clerk