

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Rex Burns v Arkay Inc**
Docket No. **301640**
L.C. No. **09-020868-CK**

David H. Sawyer, Chief Judge Pro Tem, acting under MCR 7.203(F)(1), orders:

The claim of appeal is **DISMISSED** for lack of jurisdiction because the November 22, 2010 order dismissing this case without prejudice as to appellee Arkay, Inc., is not a final order appealable of right. *Detroit v Michigan*, 262 Mich App 542, 545; 686 NW2d 514 (2004). At this time, appellant may seek to appeal any appropriate order in this case only by filing a delayed application for leave to appeal under MCR 7.205(F).



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JAN - 3 2011

Date

Sandra Schultz Mengel

Chief Clerk