

# Court of Appeals, State of Michigan

## ORDER

Lenard A Kozma v Chelsea Lumber Company

Docket No. 311258

LC No. 07-000987-CZ

David H. Sawyer  
Presiding Judge

Joel P. Hoekstra

Douglas B. Shapiro  
Judges

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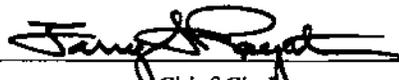
The Court orders that the motion to dismiss this appeal is DENIED. Defendants-appellees Jason Janeski and Creekside Construction, LLC (Janeski and Creekside) present no grounds to conclude that the judgment dated June 18, 2012, and entered in the circuit court register of actions June 21, 2012, did not dispose of the last remaining claim in this case so as to be a final order under MCR 7.202(6)(a)(i). Indeed, it is manifest that the June 21, 2012, judgment is the final order under MCR 7.202(6)(a)(i). That a motion for reconsideration of the earlier June 1, 2012, judgment as to the claims against Janeski and Creekside was pending at the time the June 21, 2012, judgment was entered was immaterial to the ability of appellant to timely file a claim of appeal from the June 21, 2012, judgment. See *Nordstrom v Auto-Owners Ins Co*, 486 Mich 962; 782 NW2d 779 (2010). Further, neither MCR 7.204(C)(1) nor (D)(1) required appellant to provide a copy of any earlier judgment or order regarding Janeski or Creekside or refer to an earlier judgment or order regarding those parties in the claim of appeal. MCR 7.204(C)(1) requires an appellant to provide a copy of the judgment or order appealed from with a claim of appeal. MCR 7.204(D)(1) similarly indicates that the judgment or order appealed from should be identified in the claim of appeal. In this case, the judgment appealed from is the June 21, 2012, judgment which is the final order under MCR 7.202(6)(a)(i). See MCR 7.203(A). While appellant is free to challenge judgments or orders entered prior to the June 21, 2012 judgment as part of the present appeal of right, *Green v Ziegelman*, 282 Mich App 292, 301 n 6; 767 NW2d 660 (2009), nothing in the court rules requires him to either provide a copy of any such earlier judgment or order with the claim of appeal or to refer to the earlier judgment or order in the claim of appeal in order to do so.



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

NOV 19 2012

Date

  
Chief Clerk