Court of Appeals, State of Michigan

ORDER

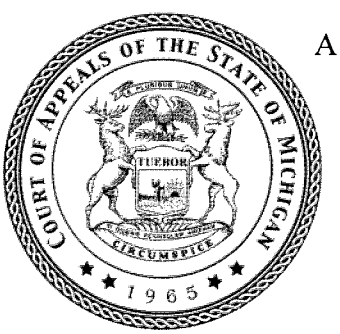
Estate of Frederick H Levine MD v James E O'Dorisio MD

Docket No. **318870**

LC No. **04-003060-CK**

William B. Murphy, Chief Judge, acting under MCR 7.203(F)(1), orders:

The claim of appeal is DISMISSED for lack of jurisdiction because the October 7, 2013, order appealed from is not a final order appealable of right. MCR 7.202(6)(a); MCR 7.203(A). It appears manifest that the final judgment in this case is the circuit court's July 21, 2010, judgment. The October 7, 2013, order is not a final order under the proviso in MCR 7.202(6)(a)(i) because the July 21, 2010, judgment was not ultimately reversed on appeal since the Michigan Supreme Court in *Levine v O'Dorisio*, 494 Mich 874; 832 NW2d 386 (2013), reversed the portion of this Court's opinion in *Levine v O'Dorisio*, unpublished opinion per curiam of the Court of Appeals, issued November 17, 2011 (Docket No. 299639), that had reversed that judgment in part, thereby leaving the July 21, 2010, judgment intact. At this time, appellant may seek to appeal the October 7, 2013, order by filing a delayed application for leave to appeal under MCR 7.205(F).



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

NOV 20 2013

Date

Chief Clerk