Court of Appeals, State of Michigan

ORDER

RYAN M MALCOLM V AJ'S OUTDOOR SERVICES LLC

Docket No. **381169**

LC No. **2024-036315-CZ**

Stephen L. Borrello, Chief Judge Pro Tem, acting under MCR 7.203(F)(1), orders:

The claim of appeal is DISMISSED IN PART as to three of the four orders listed on the claim of appeal. The March 4, 2026 order denying judgment notwithstanding the verdict and the May 21, 2026 order denying reconsideration are not final orders as defined in MCR 7.202(6)(a). In fact, those orders are significant only because they act as a trigger for the 21-day time period to file time a claim of appeal from an earlier final order. See, e.g. *Nye v Gable, Nelson & Murphy,* 169 Mich App 411, 415; 425 NW2d 797 (1988). Additionally, although the February 20, 2026 judgment was final and appealable by right, MCR 7.202(6)(a)(i); MCR 7.203(A), the claim of appeal was not timely filed from that judgment. MCR 7.204(A)(1)(a) and (d). Appellants waited to appeal the February 20, 2026 judgment until after entry of the April 1, 2026 postjudgment, attorney fee and cost order. A party may not wait for entry of a subsequent final order to appeal an earlier final order. *Surman v Surman,* 277 Mich App 287, 294; 745 NW2d 802 (2007) (citation omitted). The only final order from which the claim of appeal was timely filed is the April 1, 2026 order. MCR 7.202(6)(a)(iv); MCR 7.203(A)(1); MCR 7.204(A)(1)(d). The appeal remains pending as to the April 1, 2026 order, and the appeal is limited "to the portion of the order with respect to which there is an appeal of right." MCR 7.203(A).

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

June 17, 2026
Date

Chief Clerk