

IN THE MICHIGAN COURT OF APPEALS
ORDER

Re: **James Durall Jr v Home-Owners Ins Co**
Docket No. **293287**
L.C. No. **08-088948-CK**

Henry William Saad, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10),
orders:

The claim of appeal is DISMISSED for lack of jurisdiction. The July 14, 2009 order is not a final order appealable of right. MCR 7.202(6)(a); MCR 7.203(A)(1). The order dismissed appellant's counterclaim *without prejudice* and is not a final order under MCR 7.202(6)(a)(i). Because an order entered pursuant to the stipulation of parties to dismiss a case without prejudice does not constitute a final order, it does not dismiss the claims on the merits. *Detroit v Michigan*, 262 Mich App 542, 545; 686 NW2d 514 (2004); *Wickings v Arctic Enterprises, Inc*, 244 Mich App 125, 134-136; 624 NW2d 197 (2000).



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

AUG 13 2009

Date

Sandra Schultz Mengel

Chief Clerk