

**Court of Appeals, State of Michigan**

**ORDER**

**Adeline Hambley v Ottawa County**

Docket No. 365917

LC No. 23-007180-CZ

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Elizabeth L. Gleicher, Chief Judge, acting under MCR 7.203(F)(1), orders:

The claim of appeal and motion to expedite are DISMISSED for lack of jurisdiction. MCR 7.203(A)(1). The portion of the April 19, 2023 order, which granted plaintiff's request for declaratory relief and was deemed final by the trial court, is not appealable by right pursuant to MCR 7.202(6)(a)(ii) (an order designated as final under MCR 2.604(B)). A trial court's determination that an order is final is not controlling for purposes of this Court's jurisdiction. *Faircloth v Family Independence Agency*, 232 Mich App 391, 400; 591 NW2d 314 (1998). And, the portion of the April 19, 2023 order at issue was not designated by the trial court as final under MCR 2.604(B). MCR 2.604(B) applies to receivership and "similar actions" only, and the rule states that a court may direct an order as final on "an express determination that there is no just reason for delay." Here, the action is not a receivership or similar action; and, even if this Court could find that the action is similar to a receivership action, there was no express determination by the trial court that the order was final because there was no just reason for delay. Dismissal is without prejudice to whatever other relief may be available consistent with the court rules.



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

May 2, 2023

Date



Chief Clerk