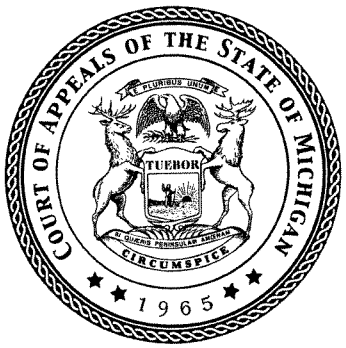
IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Daniel G Chidsey v Frederick E Pidgeon**
Docket No. **296172**
L.C. No. **09-002247-CH**

David H. Sawyer, Chief Judge Pro Tem, acting under MCR 7.203(F)(1), orders:

The claim of appeal is DISMISSED for lack of jurisdiction. The January 14, 2010 order dismissing appellee's counter-complaint without prejudice on stipulation of the parties is not a final order appealable of right. *Detroit v Michigan*, 262 Mich App 542, 545; 686 NW2d 514 (2004). At this time, appellant may seek to appeal the earlier September 15, 2009 order granting summary disposition to appellee as to appellant's complaint, which is the order appellant evidently desires to challenge, only by filing a delayed application for leave to appeal under MCR 7.205(F).



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

FEB 12 2010
Date

Sandra Schultz Mengel
Chief Clerk