Court of Appeals, State of Michigan

ORDER

Estate of Lucy Ames v Gregory R Strauther MD

Docket No. 295010

LC No. 06-010212-NH

Peter D. O'Connell
Presiding Judge

Donald S. Owens

Stephen L. Borrello
Judges

The Court orders that the motion to dismiss is DENIED. MCR 7.204(C)(1) did not require appellant to provide a copy of the September 8, 2006 summary disposition order with the claim of appeal, but rather only a copy of the October 19, 2009 order appealed from, i.e., the final order under MCR 7.202(6)(a)(i). Further, it is well-established that a party pursuing an appeal of right from a final order under MCR 7.202(6)(a)(i) may challenge earlier orders by the trial court as part of the appeal of right. See, e.g., *Green v Ziegelman*, 282 Mich App 292, 301 n 6; 767 NW2d 660 (2009). Accordingly, it is immaterial whether appellant filed any timely (or untimely) motion for relief from judgment as to the September 8, 2006 order in the trial court. Finally, any failure by appellant to provide all transcripts required by MCR 7.204(C)(2) would not warrant the drastic sanction of dismissing this appeal.

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

JUN 10 2010
Date

Sandra Schultz Mengel
Chief Clerk