

# Order

Michigan Supreme Court  
Lansing, Michigan

September 30, 2008

Clifford W. Taylor,  
Chief Justice

ADM File No. 2006-09

Michael F. Cavanagh  
Elizabeth A. Weaver  
Marilyn Kelly  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman,  
Justices

Amendment of  
Rule 7.202 of the  
Michigan Court Rules

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On order of the Court, notice of the proposed changes and an opportunity for comment in writing and at a public hearing having been provided, and consideration having been given to the comments received, the following amendment of Rule 7.202 of the Michigan Court Rules is adopted, effective January 1, 2009.

[The present language is amended as indicated below by underlining for new text and strikeover for text that has been deleted.]

Rule 7.202 Definitions

For purposes of this subchapter:

(1)-(5) [Unchanged.]

(6) "final judgment" or "final order" means:

(a) In a civil case,

- (i) the first judgment or order that disposes of all the claims and adjudicates the rights and liabilities of all the parties, including such an order entered after reversal of an earlier final judgment or order,
- (ii) an order designated as final under MCR 2.604(B),
- (iii) in a domestic relations action, a postjudgment order affecting the custody of a minor,

- (iv) a postjudgment order awarding or denying attorney fees and costs under MCR 2.403, 2.405, 2.625 or other law or court rule,
  - (v) An order denying governmental immunity to a governmental party, including a governmental agency, official, or employee under MCR 2.116(C)(7) or an order denying a motion for summary disposition under MCR 2.116(C)(10) based on a claim of governmental immunity;
- (b) [Unchanged.]

Staff Comment: This amendment clarifies that motions for summary disposition that involve claims of governmental immunity based on MCR 2.116(C)(7) and (C)(10) that are denied are appealable by right in the Court of Appeals. This language addresses the jurisdictional issue that arose in the cases of *Newton v Michigan State Police*, 263 Mich App 251 (2004), and *Walsh v Taylor*, 263 Mich App 618 (2004).

The staff comment is not an authoritative construction by the Court.



I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

September 30, 2008

*Corbin R. Davis*

Clerk