

STATE OF MICHIGAN  
COURT OF APPEALS

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RONALD EDWARD ADAMUS,

Plaintiff-Appellant,

v

DANIEL DALE BIGGER,

Defendant-Appellee,

and

STATE OF MICHIGAN,

Defendant.

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UNPUBLISHED

March 3, 2009

No. 282651

Jackson Circuit Court

LC No. 06-002933-NI

Before: Whitbeck, P.J., and O’Connell and Owens, JJ

MEMORANDUM.

Plaintiff Ronald Adamus appeals as of right from a circuit court order dismissing this action for failure to comply with a prior order. We decide this appeal without oral argument pursuant to MCR 7.214(E), and we affirm.

Adamus’s arguments in this appeal are directed at a May 2, 2007 order assessing attorney fees in a prior action.<sup>1</sup> That order vacated in part a prior order of dismissal without prejudice, and ordered Adamus’s counsel to pay costs and attorney fees incurred in the defense of that action. “Where a party has claimed an appeal from a final order, the party is free to raise on appeal issues related to other orders *in the case*.”<sup>2</sup> But a party may not collaterally attack an order entered by a court having jurisdiction in a different case.<sup>3</sup>

Adamus acknowledges that the trial court ordered costs and attorney fees in *Adamus I*, but no appeal has been filed with respect to *Adamus I*. This Court previously referred to this

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<sup>1</sup> *Adamus v Michigan*, Jackson Circuit Court Case No. 04-005134 (“*Adamus I*”).

<sup>2</sup> *Bonner v Chicago Title INS Co*, 194 Mich App 462; 472; 487 NW2d 807 (1992) (emphasis added).

<sup>3</sup> See *SS Aircraft Co v Piper Aircraft Corp*, 159 Mich App 389, 393; 406 NW2d 304 (1987).

flaw in an order dismissing an earlier claim of appeal in this case for lack of jurisdiction because a final order had not yet been entered.<sup>4</sup> This Court's order stated: "The Court of Appeals would also note that there was no appeal filed as to [*Adamus I*], and it was that [action] where the assessment of attorney fees occurred." Adamus's challenges to the May 2, 2007 order are not properly before us and, accordingly, we decline to consider them.

Affirmed.

/s/ William C. Whitbeck

/s/ Peter D. O'Connell

/s/ Donald S. Owens

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<sup>4</sup> *Adams v Bigger*, unpublished order of the Court of Appeals, entered June 5, 2007 (Docket No. 278132).