

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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TINA M. ALLISON and PAUL J. ALLISON,

Plaintiffs-Appellants,

v

GEORGE AND SONS, INC.,

Defendant,

and

DALI MARKET, d/b/a UNCLE JOE'S MARKET,

Defendant-Appellee.

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UNPUBLISHED

November 25, 1997

No. 199094

Wayne Circuit Court

LC No. 96-601030 NO

Before: Jansen, P.J., and Fitzgerald and Young, JJ.

MEMORANDUM.

Plaintiffs have claimed an appeal from an October 16, 1996, order of the Wayne Circuit Court, granting summary disposition in favor of appellee Dali Market, d/b/a Uncle Joe's Market. The claim of appeal was filed on November 6, 1996. Subsequently, on December 30, 1996, plaintiffs voluntarily discontinued their action against George and Sons, Inc., which establishes that the order of October 16, 1996, was not a final order because it did not dispose of all the claims as to all the parties. MCR 7.202(8)(a)(i). Nor was the order of October 16, 1996, designated as final pursuant to MCR 2.604(B). Accordingly, this Court is without jurisdiction to entertain an appeal from the order of October 16, 1996, except by granting an application for leave to appeal therefrom. No such application having been filed, this appeal must be dismissed. *Chevrolet Local Union #659, UAW v Reliance Ins Companies*, 21 Mich App 123; 174 NW2d 924 (1970).

Appeal dismissed. We do not retain jurisdiction.

/s/ Kathleen Jansen  
/s/ E. Thomas Fitzgerald  
/s/ Robert P. Young, Jr.