GOVERNMENTAL IMMUNITY - MICHIGAN

Bilan v. Murchie

Court of Appeals of Michigan - June 13, 2013 - Not Reported in N.W.2d - 2013 WL 2662460

In this claim for damages allegedly arising from the negligent operation of an automobile, defendant Monroe Public School District and the School District's employee appealed the trial court's order denying their motion for summary disposition under MCR 2.116(C)(7) and MCR 2.116(C)(10).

In their motion, the School District and employee argued that they were entitled to the dismissal of plaintiff's claims because his claims were barred by governmental immunity.

The appeals court agreed that the trial court erred when it denied employee's motion because no reasonable jury could find that his driving amounted to gross negligence given the undisputed facts.

However, in response to the School District's motion, plaintiff presented evidence that established a question of fact as to whether his injuries resulted from the accident at issue. Accordingly, the trial court did not err when it denied the School District's motion for summary disposition on the ground that plaintiff failed to establish that his injuries resulted from employee's negligent operation of the pickup truck.

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