

MICHIGAN COURT OF APPEALS

Dana Mark Gamarra v. Oakland County, Oakland County Sheriff's Department, and Deputy Keith Lybyron Dean

No. 370203 (Mich. Ct. App. Mar. 6, 2026) · No. 370203 · Decided March 6, 2026

SUMMARY

The Michigan Court of Appeals held that factual disputes precluded summary disposition for Oakland County and the Oakland County Sheriff’s Department on plaintiff’s claim under the governmental motor-vehicle exception. The court affirmed summary disposition for Deputy Keith Lybyron Dean, concluding that the evidence did not establish gross negligence under the Governmental Tort Liability Act. The case was remanded for further proceedings.

CASE DETAILS

COURT	Michigan Court of Appeals
WRITING FOR THE COURT	Per Curiam; Adrienne N. Young, P.J.; Anica Letica, J.; Daniel S. Korobkin, J.
JURISDICTION	Michigan Court of Appeals
DECIDED	March 6, 2026
DOCKET	370203
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Plaintiff appealed by right from the Oakland Circuit Court's order granting summary disposition under the governmental-immunity provisions of the Governmental Tort Liability Act in favor of Oakland County, the Oakland County Sheriff's Department, and Deputy Keith Lybyron Dean.
STANDARD OF REVIEW	Summary disposition is reviewed de novo. A motion under MCR 2.116(C)(7) is properly granted when the claim is barred by immunity granted by law. The court accepts well-pleaded factual allegations as true and construes them in the plaintiff's favor unless contradicted by other evidence, considering the pleadings and documentary evidence in the light most favorable to the nonmoving party. When material facts are disputed, summary disposition is inappropriate.
PRECEDENTIAL VALUE	unpublished

PARTIES

Dana Mark Gamarra v. Oakland County, Oakland County Sheriff's Department, Deputy Keith Lybyron Dean

TOPICS

negligence municipal liability summary judgment comparative fault standard of review

PRACTICE AREAS

Torts Negligence Governmental immunity Municipal liability Automobile negligence Civil procedure

QUESTIONS PRESENTED

1. Whether Oakland County and the Oakland County Sheriff's Department were entitled to summary disposition under the governmental motor-vehicle exception because no reasonable jury could find negligent operation or proximate causation.
2. Whether plaintiff's failure to yield to an authorized emergency vehicle was the sole proximate cause of the accident or whether comparative negligence and the conduct of Deputy Dean presented jury questions.
3. Whether Deputy Dean's conduct constituted gross negligence that was the proximate cause of plaintiff's injuries under the Governmental Tort Liability Act.
4. Whether defendants' alternative challenge to plaintiff's no-fault threshold injury was properly before the Court of Appeals.

HOLDINGS

1. Summary disposition was improper as to Oakland County and the Oakland County Sheriff's Department because disputed evidence could allow a reasonable jury to find that Deputy Dean breached his duty to operate the emergency vehicle with reasonable care and that his conduct was a proximate cause of the collision.
2. Plaintiff's failure to yield did not establish that he was more than 50 percent at fault as a matter of law or eliminate the possibility that Deputy Dean's conduct was also a proximate cause. The comparative-fault issues had to be resolved by a jury.
3. Deputy Dean was entitled to governmental immunity because the evidence, even viewed in plaintiff's favor, did not support a finding that his conduct was gross negligence that was the proximate cause of the injury.
4. The Court declined to review defendants' alternative argument concerning the serious-impairment threshold because defendants abandoned the issue by failing to include it in their counterstatement of questions presented and conceding at oral argument that they were not seeking review.

KEY QUOTATIONS

"While police cars, ambulances, and fire trucks operating with lights and sirens may proceed through a red light, they may do so only after slowing and ensuring that any cross-traffic has observed them and stopped."

(4)

“The flaw in defendants’ argument is that there can be more than one proximate cause of an injury under MCL 691.1405, and within Michigan’s comparative-negligence system “a plaintiff whose negligence contributed to their injury may still recover against a negligent defendant.”” (5)

“Although, as stated above, the evidence establishes a question of fact as to ordinary negligence, that is not enough to establish a question of fact as to gross negligence.” (6)

FACTUAL BACKGROUND

Deputy Dean drove a marked county vehicle with its emergency lights and siren activated to escort an injured child to a hospital. To bypass stopped southbound traffic, he drove in the closest northbound lane, slowed near a red light, and then accelerated into the intersection after some cross-traffic had stopped. His vehicle struck Gamarra's Chevrolet Malibu in the driver's-side door; Gamarra testified that he did not hear the siren, and Deputy Dean testified that he did not see Gamarra's vehicle before the collision. Gamarra alleged negligent operation against the county and Sheriff's Department and gross negligence against Deputy Dean, but later acknowledged that the emergency lights and siren were activated.

PROCEDURAL HISTORY

Gamarra filed an automobile-accident complaint alleging negligent operation of a government-owned motor vehicle against Oakland County and the Oakland County Sheriff's Department and gross negligence against Deputy Dean. Defendants moved for summary disposition, asserting governmental immunity and failure to establish negligence or gross negligence. The trial court granted the motion, although it found a question of fact concerning the no-fault threshold injury issue. The Court of Appeals affirmed the ruling as to Deputy Dean, reversed it as to Oakland County and the Sheriff's Department, and remanded for further proceedings.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remand for further proceedings consistent with the opinion, including allowing the claims against Oakland County and the Oakland County Sheriff's Department under the motor-vehicle exception to proceed. The judgment in favor of Deputy Dean remains affirmed. The Court did not retain jurisdiction.

CASES CITED

- White v. Henry Ford Macomb Hosp. Corp., 346 Mich. App. 405, 419; 12 N.W.3d 635 (2023)
- Dextrom v. Wexford Co., 287 Mich. App. 406, 416, 428; 789 N.W.2d 211 (2010)
- Fields v. Suburban Mobility Auth. for Regional Transp., 311 Mich. App. 231, 234; 874 N.W.2d 715 (2015)
- Norris v. Lincoln Park Police Officers, 292 Mich. App. 574, 578; 808 N.W.2d 578 (2011)
- Rowland v. Washtenaw Co. Rd. Comm., 477 Mich. 197, 202; 731 N.W.2d 41 (2007)

- Seldon v. Suburban Mobility Auth., 297 Mich. App. 427, 436; 824 N.W.2d 318 (2018)
- Zarzecki v. Hatch, 347 Mich. 138, 141; 79 N.W.2d 605 (1956)
- Flanagan v. Kalkaska Co. Rd. Comm., 319 Mich. App. 633, 638; 904 N.W.2d 427 (2017)
- Kandil-Elsayed v. F & O Oil, Inc., 512 Mich. 95, 112; 1 N.W.3d 44 (2023)
- Babula v. Robertson, 212 Mich. App. 45, 54; 536 N.W.2d 834 (1995)
- Marion v. Grand Truck Western R. Co., 513 Mich. 220, 234; 15 N.W.3d 180 (2024)
- Lamp v. Reynolds, 249 Mich. App. 591, 605; 645 N.W.2d 311 (2002)
- Poch v. Anderson, 229 Mich. App. 40, 51; 580 N.W.2d 456 (1998)
- Rodriguez v. Solar of Mich., Inc., 191 Mich. App. 483, 487-488; 478 N.W.2d 914 (1991)
- Robinson v. Detroit, 462 Mich. 439, 458-459; 613 N.W.2d 307 (2000)
- Maiden v. Rozwood, 461 Mich. 109, 122; 597 N.W.2d 817 (1999)
- Tarlea v. Crabtree, 263 Mich. App. 80, 90; 687 N.W.2d 333 (2004)

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