

MICHIGAN SUPREME COURT

Chambers v. Wayne County Airport Authority, 483 Mich. 1081

765 N.W.2d 890 (2009) · No. 136900 · Decided June 12, 2009

SUMMARY

The Michigan Supreme Court granted reconsideration, vacated its prior order, and denied leave to appeal in a slip-and-fall case involving the public-building exception to governmental immunity. The dissenting opinions argued that the plaintiff failed to satisfy the 120-day written notice requirement under MCL 691.1406 and criticized the Court of Appeals' treatment of an internal incident report as statutory notice.

CASE DETAILS

COURT	Michigan Supreme Court
WRITING FOR THE COURT	Corrigan, J. (dissenting); Young, J. (dissenting); Markman, J.
JURISDICTION	Michigan
DECIDED	June 12, 2009
DOCKET	136900
DISPOSITION	other
PROCEDURAL POSTURE	The Michigan Supreme Court reconsidered its prior order concerning the application for leave to appeal from the Court of Appeals judgment. It granted reconsideration, vacated its December 19, 2008 order, and denied the application for leave to appeal.
PRECEDENTIAL VALUE	Published Michigan Supreme Court order; precedential effect is limited because the Court denied leave to appeal without resolving the merits, and the substantive analysis is dissenting.
PARTIES	Wayne County Airport Authority v. Marc Chambers

TOPICS

- appellate procedure
- municipal liability
- statutory interpretation
- personal injury

PRACTICE AREAS

- municipal law
- governmental immunity
- statutory interpretation
- appellate procedure

QUESTIONS PRESENTED

1. Whether the Michigan Supreme Court should grant reconsideration of its prior order.
2. Whether the application for leave to appeal from the Michigan Court of Appeals judgment should be granted.

HOLDINGS

1. The Court granted the motion for reconsideration and vacated its December 19, 2008 order.
2. The application for leave to appeal the Michigan Court of Appeals judgment was denied because the Court was not persuaded that the questions presented should be reviewed.

FACTUAL BACKGROUND

The case arose from Chambers's slip and fall in a puddle of water at Detroit Metropolitan Airport. The dissent stated that Chambers did not serve Wayne County Airport Authority with written notice of the occurrence, injury, and defect within 120 days. Chambers instead relied on an internal incident report prepared by the Authority and an informal oral statement to an Authority officer.

PROCEDURAL HISTORY

Chambers brought an action arising from a slip and fall in a puddle of water at Detroit Metropolitan Airport. The Court of Appeals entered judgment on June 5, 2008. The Michigan Supreme Court previously entered an order on December 19, 2008, but on reconsideration vacated that order and denied leave to appeal because it was not persuaded that the questions presented warranted review.

DISPOSITION

other

CASES CITED

- Rowland v. Washtenaw Co. Rd. Comm., 477 Mich. 197, 731 N.W.2d 41 (2007)
- Brown v. Manistee Co. Rd. Comm., 452 Mich. 354, 550 N.W.2d 215 (1996)
- Hobbs v. Dep't of State Hwys., 398 Mich. 90, 247 N.W.2d 754 (1976)
- Lisee v. Secretary of State, 388 Mich. 32, 199 N.W.2d 188 (1972)
- Howell v. Lazaruk, 388 Mich. 32, 199 N.W.2d 188 (1972)
- Odom v. Wayne Co., 482 Mich. 459, 760 N.W.2d 217 (2008)
- Grubaugh v. City of St. Johns, 384 Mich. 165, 180 N.W.2d 778 (1970)
- Reich v. State Hwy. Dep't, 386 Mich. 617, 194 N.W.2d 700 (1972)
- Carver v. McKernan, 390 Mich. 96, 211 N.W.2d 24 (1973)
- Ridgeway v. Escanaba, 154 Mich. 68, 117 N.W. 550 (1908)
- Donajkowski v. Alpena Power Co., 460 Mich. 243, 596 N.W.2d 574 (1999)
- Moulter v. Grand Rapids, 155 Mich. 165, 118 N.W. 919 (1908)

- Vanslebrouck v. Halperin, 483 Mich. ___, 763 N.W.2d 919 (2009)
- Hardacre v. Saginaw Vascular Services, 483 Mich. 918, 762 N.W.2d 527 (2009)
- Sazima v. Shepherd Bar & Restaurant, 483 Mich. ___, 762 N.W.2d 924 (2009)
- Juarez v. Holbrook, 483 Mich. ___, 764 N.W.2d 216 (2009)
- Lash v. Traverse City, 479 Mich. 180, 735 N.W.2d 628 (2007)
- Costa v. Community Emergency Medical Services, Inc., 475 Mich. 403, 716 N.W.2d 236 (2006)
- Mack v. Detroit, 467 Mich. 186, 649 N.W.2d 47 (2002)
- Trentadue v. Buckler Automatic Lawn Sprinkler Co., 479 Mich. 378, 738 N.W.2d 664 (2007)
- Roberts v. Mecosta Co. Gen. Hosp. (After Remand), 470 Mich. 679, 684 N.W.2d 711 (2004)
- Cox v. Flint Bd. of Hosp. Managers, 467 Mich. 1, 651 N.W.2d 356 (2002)
- McDougall v. Schanz, 461 Mich. 15, 597 N.W.2d 148 (1999)