STATE OF MICHIGAN

COURT OF APPEALS

ROBERT M. ANDERSON,

Plaintiff-Appellant,

v

JAMES CLARK, d/b/a CJ BUILDERS,

Defendant-Appellee.

UNPUBLISHED
January 17, 1997

No. 192498
LC No. 94-069563-NO

Before: MacKenzie, P.J., and Wahls and Markey, JJ.

PER CURIAM.

Plaintiff appeals as of right from a January 26, 1996 judgment granting summary disposition in favor of defendant. We affirm.

Plaintiff was injured at work when a chunk of wood being cut from a two-by-four ejected from a table saw owned by defendant that was located on the premises and struck plaintiff in the groin. Matt Grzesiakowski, plaintiff's manager, was operating the table saw at the time of the incident.

Plaintiff first claims that the trial court erroneously determined that there was no genuine issue of material fact as to causation. Upon de novo review, we disagree. *Baker v Arbor Drugs, Inc*, 215 Mich App 198, 202; 544 NW2d 727 (1996). Plaintiff alleges that the lack of a blade guard was the cause of the accident. Causation involves proof of two separate elements: (1) cause in fact, and (2) proximate cause. *Skinner v Square D Co*, 445 Mich 153, 162-163; 516 NW2d 475 (1994). Our Supreme Court noted in *Skinner, supra* at 163, that:

> [t]he cause in fact element generally requires showing that "but for" the defendant's actions, the plaintiff's injury would not have occurred. On the other hand, legal cause or "proximate cause" normally involves examining the foreseeability of consequences, and whether a defendant should be held legally responsible for such consequences. A plaintiff must adequately establish cause in fact in order for legal cause or "proximate cause" to become a relevant issue. [Citations omitted.]

A plaintiff may demonstrate causation circumstantially; however, "a plaintiff's circumstantial proof must facilitate reasonable inferences of causation, not mere speculation." *Id.* at 164. The Supreme Court in *Skinner, supra* at 164-165, also held:

> [A]t a minimum, a causation theory must have some basis in established fact. However, a basis in only slight evidence is not enough. Nor is it sufficient to submit a causation theory that, while factually supported, is, at best, just as possible as another theory. Rather, the plaintiff must present substantial evidence from which a jury may conclude that more likely than not, but for the defendant's conduct, the plaintiff's injuries would not have occurred.

Here, there was no evidence submitted by either party from which a jury could conclude that more likely than not, but for defendant's failure to install the blade guard on the table saw, plaintiff's injuries would not have occurred. The medical expert's deposition testimony also failed to establish a genuine issue of material fact regarding causation and the velocity of the kickback. Indeed, plaintiff's expert conceded that the blade guard would not have prevented the kickback, and that even if the blade guard were installed, it may not have reduced the velocity of the wood chunk projectile enough to prevent injury. Based on this evidence, a jury could only speculate regarding whether plaintiff's injuries would not have occurred if the blade guard were installed. Thus, we find no factual support for plaintiff's claim. *Baker, supra*.

Plaintiff next claims that the trial court erred in determining that defendant did not breach any duty by allowing Grzesiakowski, an inexperienced person, to use defendant's table saw. Plaintiff is essentially claiming negligent entrustment. In order to successfully prove negligent entrustment, plaintiff must show that defendant either knew that Grzesiakowski was not to be entrusted or that defendant "had special knowledge" of Grzesiakowski which would put defendant on notice that he should not be entrusted. *Muscat v Khalil*, 150 Mich App 114, 121; 388 NW2d 267 (1986). Here, plaintiff failed to present evidence that defendant knew Grzesiakowski should not be entrusted because he was a careless risk taker or that defendant had knowledge of Grzesiakowski that put defendant on notice. In fact, it was undisputed that defendant asked Grzesiakowski about his experience using a table saw before permitting him to use the saw and then watched Grzesiakowski operate the saw. Therefore, the trial court did not erroneously grant summary disposition as to plaintiff's allegations relating to allowing an inexperienced person to use the table saw.

Plaintiff also claims that the trial court failed to rule on all theories of liability. We disagree. The trial court addressed plaintiff's allegations relating to the condition of the saw in its January 4, 1996 opinion. The remaining issues were addressed at the December 29, 1995 hearing on defendant's motion for summary disposition and the January 26, 1996 hearing on motion for taxable costs.

Affirmed.

/s/ Barbara B. MacKenzie
/s/ Myron H. Wahls
/s/ Jane E. Markey