

STATE OF MICHIGAN
COURT OF APPEALS

GREGORY ALLEN CORYN and GISELA
CORYN,

UNPUBLISHED
January 31, 1997

Plaintiffs-Appellants,

No. 191674

v

St. Joseph Circuit Court
LC No. 94-000005-NO

SAINT JOSEPH COUNTY ROAD COMMISSION,

Defendant-Appellee.

Before: Hoekstra, P.J., and Markey and J.C. Kingsley,* JJ.

MEMORANDUM.

Plaintiffs appeal as of right from an order granting summary disposition in favor of defendant. We reverse and remand.

This case arises from injuries sustained by plaintiff Gregory Allen Coryn after he drove his motorcycle off Covered Bridge Road in St. Joseph County on May 6, 1993. Plaintiffs allege various negligence theories against defendant for failing to maintain the roadway, warn of the dangerous condition of the roadway, and erect warning devices. The trial court granted defendant's motion for summary disposition on the basis that defendant was immune from liability under MCL 691.1402; MSA 3.996(102). However, the decision upon which the trial court relied, *Pick v Gratiot Co Rd Comm*, 203 Mich App 138; 511 NW2d 694 (1993), was subsequently reversed by our Supreme Court in *Pick v Szymczak*, 451 Mich 607; 548 NW2d 603 (1996). In *Pick*, our Supreme Court stated that a governmental agency having jurisdiction over a highway may be liable for failing to provide traffic control devices or warning signs at, or in regard to, a point of hazard. *Pick, supra* at 624. Here, because the trial court and the parties did not have the opportunity to address whether the circumstances of this case involved a point of hazard for which defendant had a duty to provide warning devices, we reverse and remand for reconsideration in light of our Supreme Court's opinion in *Pick*.

* Circuit judge, sitting on the Court of Appeals by assignment.

Reversed and remanded. We do not retain jurisdiction.

/s/ Joel P. Hoekstra
/s/ Jane E. Markey
/s/ James C. Kingsley