

STATE OF MICHIGAN
COURT OF APPEALS

LISA RATHBURN, Personal Representative of the
Estate of ROSEMARY PARSELS, Deceased,

UNPUBLISHED
March 7, 1997

Plaintiff-Appellant,

v

No. 191672
Lenawee Circuit Court
LC No. 94-006268

THOMAS ORIE HALL and CRYSTAL CARRIERS,
INC.,

Defendants-Appellees.

Before: Gribbs, P.J., and Holbrook, Jr. and J. L. Martlew,* JJ.

PER CURIAM.

Plaintiff appeals as of right from the trial court's order granting summary disposition in favor of defendants pursuant to MCR 2.116(C)(10). We affirm.

First, plaintiff argues that the trial court erred in concluding that defendant Hall did not owe a duty to plaintiff. We do not agree. "Duty" is a legally recognized obligation to conform to a particular standard of conduct toward another. *Chivas v Koehler*, 182 Mich App 467, 475; 453 NW2d 264 (1990). Whether a duty exists is a question of law for the court. *Simko v Blake*, 448 Mich 648, 655; 532 NW2d 842 (1995). Contrary to plaintiff's assertions, a motorist is not required to anticipate the negligence or unlawful act of another. *Hainhault v Vincent*, 365 Mich 370, 376; 112 NW2d 569 (1961). Plaintiff does not dispute that defendant Hall had the right-of-way at the intersection, or that plaintiff turned left in front of him. It was plaintiff, in this case, who had the duty to yield. MCL 257.650(1); MSA 9.2350(1).

Plaintiff also argues that there is a genuine issue of material fact as to whether defendant Hall was negligent. We disagree. Contrary to plaintiff's assertions, MCL 257.627(1); MSA 9.2327(1), (driver must be able to stop within the assured, clear distance ahead), is "inapplicable where an object suddenly intersects the assured clear distance of the motorist." *Green v Richardson*, 69 Mich App

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

133, 139; 244 NW2d 385 (1976). Defendant was not required to anticipate plaintiff's left turn, and there was evidence that defendant tried to avoid the accident once plaintiff obstructed defendant's right of way.

Affirmed.

/s/ Roman S. Gibbs

/s/ Donald E. Holbrook, Jr.

/s/ Jeffrey L. Martlew