

STATE OF MICHIGAN
COURT OF APPEALS

LORRAINE CEPLINA,

Plaintiff-Appellant,

v

CITY OF IRONWOOD,

Defendant-Appellee.

UNPUBLISHED

May 13, 1997

No. 191191

Gogebic Circuit Court

LC No. 95-135

Before: Corrigan, C.J., and Young and M.J. Talbot*, JJ.

MEMORANDUM.

Plaintiff sues in tort for a trip and fall involving an allegedly defective sidewalk. Summary disposition was granted to defendant on the basis of the two-inch rule, *Howard v City of Melvindale*, 27 Mich App 227, 230; 183 NW2d 341 (1970). That doctrine was abandoned in *Rule v Bay City*, 387 Mich 281, 283; 195 NW2d 849 (1972), and the question presented is whether the two inch rule was resurrected by the 1986 amendments to MCL 691.1407(1); MSA 3.996(107)(1). This case is being decided without oral argument pursuant to MCR 7.214(E).

The statutory amendment addresses only the liability of the State, not that of municipalities. Hence, the two-inch rule has no application to municipalities such as defendant City of Ironwood, and plaintiff's complaint therefore pleads a viable cause of action under the highway exception to governmental immunity. *Glancy v City of Roseville*, 216 Mich App 390; 549 NW2d 78 (1996).

Reversed and remanded for further proceedings consistent with this opinion. We do not retain jurisdiction.

/s/ Maura D. Corrigan

/s/ Robert P. Young, Jr.

/s/ Michael J. Talbot

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

