

STATE OF MICHIGAN
COURT OF APPEALS

SCOTT GRAY,

Plaintiff-Appellant,

v

KEVIN CHARLES MORLEY,

Defendant-Appellee.

UNPUBLISHED

August 19, 1997

No. 201784

Kalamazoo Circuit Court

LC No. 93-001305-NI

ON REMAND

Before: Cavanagh, P.J., and Holbrook, Jr., and Jansen, JJ.

MEMORANDUM.

This case is before us on remand from the Supreme Court for reconsideration in light of *Travis v Dreis & Krump Mfg Co*, 453 Mich 149; 551 NW2d 132 (1996). We affirm.

Having considered the holding in *Travis* and viewing the evidence in a light most favorable to plaintiff, we reaffirm our previous conclusion that plaintiff established only that defendant, his employer, was negligent in causing his injury. *Id.*; *Pawlak v Redox Corp*, 182 Mich App 758, 768; 453 NW2d 304 (1990). There was simply no evidence that defendant specifically intended to injure plaintiff or that defendant had “actual knowledge that an injury was certain to occur and willfully disregarded that knowledge.” MCL 418.131(1); MSA 17.237(131(1); *Travis*, *supra*. Summary disposition was therefore properly granted to defendant by the trial court.

Affirmed.

/s/ Mark J. Cavanagh

/s/ Donald E. Holbrook, Jr.

/s/ Kathleen Jansen