

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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SYLVESTER JAMERSON,

Plaintiff-Appellant,

v

CITY OF DETROIT,

Defendant-Appellee.

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UNPUBLISHED

July 27, 1999

No. 204402

Wayne Circuit Court

LC No. 96-641179 NI

Before: Sawyer, P.J., and Holbrook, Jr., and W. E. Collette,\* JJ.

PER CURIAM.

Plaintiff appeals of right the trial court's order granting defendant's motion for summary disposition. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Plaintiff was using a recreation center owned and operated by defendant when he tripped on a shower knob valve stem lying on the floor in the shower area. Plaintiff filed suit, alleging that defendant was liable under the public building exception to governmental immunity, MCL 691.1406; MSA 3.996(106), for failure to repair and maintain the physical condition of the building. Defendant moved for summary disposition pursuant to MCR 2.116(C)(7), (8) and (10), arguing that a transitory condition did not fall within the public building exception. The trial court agreed with defendant's analysis and granted the motion.

We review a trial court's decision on a motion for summary disposition de novo. *Harrison v Olde Financial Corp*, 225 Mich App 601, 605; 572 NW2d 679 (1997).

Pursuant to MCL 691.1406; MSA 3.996(106), liability can be imposed for injury due to a physical defect or dangerous condition of a building caused by improper design, faulty construction, failure to repair or maintain, or lack of safety devices. *Sewell v Southfield Public Schools*, 456 Mich 670, 675; 576 NW2d 153 (1998). The injury must result from a defect or condition of the building itself. *Jackson v City of Detroit*, 449 Mich 420, 428; 537 NW2d 151 (1995).

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

Plaintiff argues that the trial court erred by granting defendant's motion for summary disposition. We disagree and affirm. In enacting the public building exception, the Legislature intended to impose a duty to maintain the safety of public buildings, not necessarily safety in public buildings. *Reardon v Dep't of Mental Health*, 430 Mich 398, 415; 424 NW2d 248 (1988). Consequently, the defect must be in the building itself, and not merely a transitory condition. *Wade v Dep't of Corrections*, 439 Mich 158, 170; 483 NW2d 26 (1992). In the instant case, the shower knob valve stem over which plaintiff tripped was lying on the floor in the shower area of the recreation center. Plaintiff's contention that this condition constituted a failure to repair and maintain the building is without merit. Plaintiff's reliance on authority such as *Bayn v Dep't of Natural Resources*, 202 Mich App 66; 507 NW2d 746 (1993), is misplaced. In that case, we reversed the grant of summary disposition in favor of the defendant, holding that the plaintiff should be allowed to conduct further discovery to determine if the accumulation of water in which she slipped resulted from a defect in the building itself. *Bayn, supra* at 72-73. Here, the shower knob valve stem was not lying on the floor as a result of a defect in the building itself. The shower knob valve stem had been left lying on the floor, and thus was a condition similar to an accumulation of grease or water. It was the type of transitory condition not covered by the public building exception. *Wade, supra*.

Affirmed.

/s/ David H. Sawyer

/s/ Donald E. Holbrook, Jr.

/s/ William E. Collette