

STATE OF MICHIGAN
COURT OF APPEALS

ANDREW MILLER and BARBARA MILLER,

Plaintiffs-Appellants,

v

TENNECO AUTOMOTIVE, INC., a/k/a
TENNESSEE GAS PIPELINE, d/b/a WALKER
MANUFACTURING COMPANY, and JOHN
ULERY,

Defendants-Appellees.

UNPUBLISHED

December 28, 1999

No. 213482

Hillsdale Circuit Court

LC No. 96-026317 CZ

Before: McDonald, P.J., and Neff and Smolenski, JJ.

SMOLENSKI, J. (concurring in part and dissenting in part).

I concur in the majority's decision in all respects except that I would affirm the trial court's order dismissing plaintiffs' claim of intentional infliction of emotional distress. In my opinion, defendants' actions were not the type of extreme and outrageous conduct sufficient to create liability under a theory of intentional infliction of emotional distress.

/s/ Michael R. Smolenski