

STATE OF MICHIGAN
COURT OF APPEALS

DOROTHY BATES, T.J. NASH, LOUELLA A.
NASH, JEFFREY BATES, KENNETH BATES,
DENNIS BATES, and WALTER BATES, JR.,

UNPUBLISHED
January 14, 2000

Plaintiffs-Appellants/
Cross-Appellees,

v

MUSKEGON GENERAL HOSPITAL,

No. 212196
Muskegon Circuit Court
LC No. 96-335816 NO

Defendant-Appellee/
Cross-Appellant.

Before: Fitzgerald, P.J., and Hoekstra and Markey, JJ.

PER CURIAM.

Plaintiffs sued defendant hospital for its alleged negligent handling of a corpse delivered to its facility for an autopsy. Plaintiffs appeal as of right from the trial court's order granting defendant partial summary disposition, dismissing all plaintiffs from the action except decedent's children, who settled their claims against defendant on the first day of trial. We affirm.

Decedent, Roger Lee Bates, was found dead from an apparent drug overdose. Due to the circumstances surrounding decedent's death, the county medical examiner requested an autopsy. The medical examiner sent decedent's corpse to defendant's facility, where county autopsies were performed. Because another corpse was already in the hospital morgue's only cooler, decedent's corpse was allegedly left on a table outside the cooler, in room-temperature conditions, for approximately 48 hours before the medical examiner performed the autopsy. Plaintiffs allege that as a result of the hospital's negligence, decedent's corpse had been allowed to deteriorate to the point where an open-casket funeral could not be held.

Plaintiffs contend that the trial court erred in holding that only decedent's children, as opposed to other relatives, had standing to sue defendant for negligence. We review a trial court's grant of summary disposition de novo. *Spiek v Dep't of Transportation*, 456 Mich 331, 337; 572 NW2d 201 (1998); *Russell v Dep't of Corrections*, 234 Mich App 135, 136; 592 NW2d 125 (1999).

Because the facts of this case do not give rise to a cognizable tort claim, this Court need not address which of decedent's relatives had standing to sue defendant. Recently, this Court held that the common-law tort for mutilation of a corpse does not encompass a claim for a corpse's decomposition. *Dampier v Wayne County*, 233 Mich App 714, 729; 592 NW2d 809 (1999).

In *Dampier*, *supra* at 719, a funeral home permitted the plaintiffs to view the decedent's corpse, "whereupon they made the macabre discovery that the remains had been allowed to decompose to a 'ghastly and grotesque sight.'" The plaintiffs sued the county, the hospital and the funeral home, alleging negligence on the part of all the defendants. *Id.* After examining Michigan case law, this Court noted that "all of the Michigan cases that discuss this common-law claim involved the alleged evisceration or dismemberment of a dead body." *Id.* at 729. Because the facts in *Dampier* involved only the decomposition of the decedent's corpse, and not any form of mutilation, this Court held that the plaintiffs did not state a cognizable common-law tort claim. "Accordingly, we hold that a cognizable claim for the mutilation of a dead body is not sufficiently broad to encompass a claim for its decomposition, which does not involve the active incision, dismemberment or evisceration of the body. . . ." *Id.*

In this case, plaintiffs' alleged injuries relate solely to the decomposition and deterioration of decedent's corpse, not to any type of evisceration or dismemberment. Therefore, the trial court's dismissal of plaintiffs' claims must be affirmed, even though the trial court dismissed plaintiffs' claims on other grounds. A trial court must be affirmed when it reaches the correct result, albeit for the wrong reason. *Norris v State Farm Fire & Casualty Co*, 229 Mich App 231, 240; 581 NW2d 746 (1998).

On cross-appeal, defendant contends that the trial court erred in holding that it owed a duty to plaintiffs regarding its handling of decedent's corpse. As set forth above, none of decedent's relatives could have stated a cognizable claim. Therefore, we need not resolve the issue of duty raised on cross-appeal.

Affirmed.

/s/ E. Thomas Fitzgerald
/s/ Joel P. Hoekstra
/s/ Jane E. Markey