

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

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CURTIS BROWN and MILDRED BROWN,

Plaintiffs-Appellants,

v

CLARKLIFT OF FLINT/SAGINAW, INC., and  
CLARKLIFT OF DETROIT,

Defendants,

and

CLARK EQUIPMENT COMPANY,

Defendant-Appellee.

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UNPUBLISHED

February 25, 2000

No. 212950

Genesee Circuit Court

LC No. 95-035570-NP

Before: Meter, P.J., and Griffin and Owens, JJ.

MEMORANDUM.

Plaintiffs appeal as of right, challenging the trial court's order granting defendant Clark Equipment Company's motion for summary disposition pursuant to MCR 2.116(C)(10). We affirm.

There is no genuine issue of material fact that Curtis Brown's injury was not caused by defendant Clark's original design of the forklift, but instead arose from his employer's failure to repair known damage to the forklift, which rendered it defective and dangerous. Because there was no genuine issue of material fact that the alleged design defect was not a cause in fact of Mr. Brown's injuries, defendant Clark was entitled to summary disposition pursuant to MCR 2.116(C)(10). *Skinner v Square D Co*, 445 Mich 153; 516 NW2d 475 (1994). See also *Smith v Globe Life Ins Co*, 460 Mich 446, 454-455; 597 NW2d 28 (1999).

Affirmed.

/s/ Patrick M. Meter  
/s/ Richard Allen Griffin  
/s/ Donald S. Owens