

STATE OF MICHIGAN
COURT OF APPEALS

EVALINE HERRON,

Plaintiff-Appellant,

v

PONTIAC BOARD OF EDUCATION,

Defendant-Appellee.

UNPUBLISHED

March 28, 2000

No. 212778

Oakland Circuit Court

LC No. 97-547852-NO

Before: Wilder, P.J., and Sawyer and Markey, JJ.

MEMORANDUM.

Plaintiff appeals by right the order granting defendant's motion for summary disposition pursuant to MCR 2.116(C)(7) on governmental immunity grounds. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

As a general rule, government agencies are immune from liability for actions taken while performing a governmental function. MCL 691.1407(1); MSA 3.996(107)(1). While generally immune from tort liability, agencies may be liable for injuries arising out of dangerous or defective public buildings. MCL 691.1406; MSA 3.996(106). The term governmental function is to be broadly construed, while the statutory exceptions are to be construed narrowly. *Wade v Dept of Corrections*, 439 Mich 158; 483 NW2d 26 (1992).

In *Horace v City of Pontiac*, 456 Mich 744; 575 NW2d 762 (1998), the Supreme Court reviewed the applicability of the public building exception to areas adjacent to buildings. The Court observed that only a broad reading of the exception would allow for its application to anything but the building. The Court rejected such a reading, and held that the defect or condition must be of the building itself. Liability does not extend to walkways. *Id* at 757.

Here, plaintiff was injured on a walkway that was inside the stadium grounds, but outside of the building structure. Following *Horace, supra*, the trial court properly granted summary disposition to defendant.

We affirm.

/s/ Kurtis T. Wilder
/s/ David H. Sawyer
/s/ Jane E. Markey