

STATE OF MICHIGAN
COURT OF APPEALS

ANTOINETTE KREIS,

Plaintiff-Appellant,

v

JOSEPHINE ROEK,

Defendant-Appellee.

UNPUBLISHED

April 21, 2000

No. 204841

Macomb Circuit Court

LC No. 97-001595-NO

Before: Gribbs, P.J., and Doctoroff and T. L. Ludington*, JJ.

MEMORANDUM.

Plaintiff appeals by right the order granting defendant's motion for summary disposition in this negligence action. We reverse. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Plaintiff suffered a hand injury while assisting defendant in preparing her cottage for summer. While moving a set of steps, defendant let go of the steps before plaintiff, crushing plaintiff's hand. Defendant moved for summary disposition, asserting that plaintiff was a volunteer, and was owed only a duty to avoid willful and wanton conduct. The trial court agreed and granted summary disposition.

The volunteer doctrine does not apply in this case. Application of the volunteer doctrine is limited to cases involving respondeat superior liability. *James v Albert*, 234 Mich App 417; 594 NW2d 848 (1999); *Ryder Truck Rental, Inc v Urbane*, 228 Mich App 519; 579 NW2d 425 (1998). See also *James v Albert*, 234 Mich App 801; 594 NW2d 866 (1999). This case does not involve vicarious liability, it involves the alleged negligence of a landowner. Summary disposition was improperly granted.

Reversed.

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

/s/ Roman S. Gibbs
/s/ Martin M. Doctoroff
/s/ Thomas L. Ludington