

STATE OF MICHIGAN  
COURT OF APPEALS

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TRACY SMITH,

Plaintiff-Appellant,

v

ROBY'S, INC., d/b/a ROBY'S SHOES,

Defendant-Appellee.

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UNPUBLISHED

May 19, 2000

No. 209631

Oakland Circuit Court

LC No. 95-508968-NO

Before: Murphy, P.J., and Collins and Owens, JJ.

PER CURIAM.

In this negligence action, plaintiff appeals as of right from a judgment of no cause of action, following a jury trial. We affirm.

The trial court did not abuse its discretion in denying plaintiff's request to dismiss a juror for cause. MCR 2.511(D)(4) or (5); *Colbert v Primary Care Medical, PC*, 226 Mich App 99, 102; 574 NW2d 36 (1997). Any concerns over the juror's ability to properly evaluate the case were dispelled when, upon further questioning by the trial court, the juror repeatedly indicated that she could set aside her personal opinions and decide this case based solely on the facts and applicable law. *People v Jendrzewski*, 455 Mich 495, 515-516; 566 NW2d 530 (1997).

The trial court also did not abuse its discretion in refusing to admit into evidence the deposition testimony of plaintiff's expert witness. *Phillips v Deihm*, 213 Mich App 389, 401; 541 NW2d 566 (1995). The witness' qualifications as an expert were limited to the area of human factors engineering, not mechanical engineering. However, the expert's opinions regarding defendant's duty to inspect the store's chairs were related more to the construction of the chairs, not their use. Therefore, the court did not err in refusing to admit this testimony on the basis that it exceeded the scope of the witness' expertise. *Mulholland v DEC Int'l Corp*, 432 Mich 395, 406; 443 NW2d 340 (1989). Furthermore, the jury was capable of deciding the relevant issues in this case without the assistance of an expert's specialized knowledge. *Franzel v Kerr Mfg Co*, 234 Mich App 600, 621; 600 NW2d 66 (1999).

Affirmed.

/s/ William B. Murphy

/s/ Jeffrey G. Collins

/s/ Donald S. Owens