

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

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RORY J. WILLIAMS,  
Plaintiff-Appellant,

UNPUBLISHED  
February 23, 2001

v

JAMES R. WILLIAMS,  
Defendant-Appellee.

No. 220022  
Genesee Circuit Court  
LC No. 98-063234-NO

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Before: Meter, P.J., and Neff and O'Connell, JJ.

MEMORANDUM.

Plaintiff appeals as of right from the trial court's order granting defendant's motion for summary disposition. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Plaintiff assisted defendant, his father, in loading a riding lawn mower onto a trailer. Plaintiff attempted to steady the trailer by holding the tongue while defendant drove the mower onto the trailer. As defendant drove onto the trailer the mower lurched forward, causing the tongue of the trailer to drive into the ground. Plaintiff sustained severe injuries when his right hand became caught between the tongue and the ground.

Plaintiff filed suit alleging that defendant negligently failed to load the mower in a reasonable and careful manner, and failed to ensure the safety of the participants in the activity. Defendant moved for summary disposition pursuant to MCR 2.116(C)(10). The trial court granted the motion, noting that plaintiff did not allege that any specific act by defendant was negligent.

We review a trial court's decision on a motion for summary disposition *de novo*. *Harrison v Olde Financial Corp*, 225 Mich App 601, 605; 572 NW2d 679 (1997). To establish a *prima facie* case of negligence, a plaintiff must prove: (1) that the defendant owed a duty to the plaintiff; (2) that the defendant breached the duty; (3) that the defendant's breach of duty proximately caused the plaintiff's injuries; and (4) that the plaintiff suffered damages. *Berryman v K-Mart Corp*, 193 Mich App 88, 91-92; 483 NW2d 642 (1992). A *prima facie* case of negligence may be based on legitimate inferences, provided that sufficient evidence is produced to take the inferences out of the realm of conjecture. *Clark v K-Mart Corp*, 242 Mich App 137, 140-141; 617 NW2d 729 (2000).

Plaintiff argues that the trial court erred by granting defendant's motion for summary disposition. We disagree and affirm. Plaintiff presented evidence that the tongue of the trailer was driven into the ground, and that he suffered injuries when his hand became caught between the tongue and the ground. He speculated that defendant operated the mower improperly in some manner, but offered no specifics. Plaintiff did not present evidence to establish why the accident occurred as it did. Such evidence must be presented to make out a prima facie case of negligence. *Stefan v White*, 76 Mich App 654, 661; 257 NW2d 206 (1977). To establish causation, a plaintiff must prove that it is more likely than not that but for the defendant's breach of duty, the injury would not have occurred. *Skinner v Square D Co*, 445 Mich 153, 165-166; 516 NW2d 475 (1994). The possibility that a breach of duty by defendant caused plaintiff to sustain injuries was insufficient to establish causation. Summary disposition was proper as a matter of law. *Reeves v K-Mart Corp*, 229 Mich App 466, 480; 582 NW2d 841 (1998).

Affirmed.

/s/ Patrick M. Meter  
/s/ Janet T. Neff  
/s/ Peter D. O'Connell