

STATE OF MICHIGAN  
COURT OF APPEALS

---

CATHY PARKER and KIMBERLY HICKS, Co-  
Personal Representatives of the Estate of MARK  
LAVELL PARKER, Deceased,

UNPUBLISHED  
May 8, 2001

Plaintiffs-Appellants,

v

CITY OF DETROIT,

No. 207055  
Wayne Circuit Court  
LC No. 96-646305-NI

Defendant-Appellee.

ON REMAND

---

Before: Murphy, P.J., and Griffin and Gage, JJ.

MEMORANDUM.

We previously issued an opinion in this case affirming the circuit court's order granting summary disposition in favor of defendant. *Parker v City of Detroit*, unpublished opinion per curiam of the Court of Appeals, issued November 30, 1999 (Docket No. 207055). The case is before us again pursuant to an order of our Supreme Court directing us to reconsider our earlier decision in light of *Robinson v City of Detroit*, 462 Mich 439; 613 NW2d 307 (2000). We again affirm.

We previously held that plaintiffs' complaint failed to plead a legally cognizable duty owed to decedent by defendant. Assuming for present purposes that during the fatal vehicular pursuit decedent was an innocent passenger to whom the police did owe a duty, *Id.* at 444, we nevertheless conclude that summary disposition was appropriate because decedent's untimely demise did not *result from* the operation of a government vehicle. See MCL 691.1405; MSA 3.996(105). The pursuing police vehicle did not hit the fleeing car or otherwise force it off the road or into another vehicle or object. *Robinson, supra* at 445, 456-457.

Affirmed.

/s/ William B. Murphy  
/s/ Richard Allen Griffin  
/s/ Hilda R. Gage