

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

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GENELL REEVES,

Plaintiff-Appellee,

v

GENERAL MOTORS CORPORATION,

Defendant-Appellant,

and

STEVE DENNIS and ROBERT SULLENGER,

Defendants.

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UNPUBLISHED

July 12, 2002

No. 230456

Genesee Circuit Court

LC No. 99-065669-CL

Before: Hood, P.J., and Saad and E. M. Thomas\*, JJ.

PER CURIAM.

Defendant General Motors Corporation (defendant) appeals by leave granted the trial court's decision denying it summary disposition of plaintiff's claim of intentional infliction of emotional distress. We reverse. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Plaintiff works for defendant at its Swartz Creek facility with defendants Steve Dennis and Robert Sullenger. She brought this action alleging racial discrimination and intentional infliction of emotional distress. Because the trial court granted defendants' motions for summary disposition on the discrimination claim and the individual defendants' motions for summary disposition on the intentional infliction of emotional distress claim, the only claim before us is plaintiff's intentional infliction of emotional distress claim against defendant.

Plaintiff alleges that conduct of Dennis and Sullenger caused her to suffer emotional distress. She testified that Dennis and Sullenger, forklift truck operators, drove their forklifts towards her to within six inches of her and "slammed" their loads of racks near her. Defendant moved for summary disposition pursuant to MCR 2.116(C)(10). The trial court denied the

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

motion, explaining it believed there exists a question of fact whether the conduct of Dennis and Sullenger constituted “intentional harassment, intentional intimidation.”

Defendant argues that the conduct asserted by plaintiff does not rise to the level required for an intentional infliction of emotional distress claim. We agree.

A decision on a motion for summary disposition is reviewed de novo. *Hazle v Ford Motor Co*, 464 Mich 456, 461; 628 NW2d 515 (2001). A motion brought pursuant to MCR 2.116(C)(10) (no genuine issue of material fact) tests the factual support for a claim. *Id.* To rule on the motion, the trial court must consider the pleadings, affidavits, depositions and all other documentary evidence submitted by the parties. MCR 2.116(G). The court must view the evidence and all reasonable inferences drawn from the evidence in favor of the nonmoving party, giving the nonmoving party the benefit of any reasonable doubt. *Morales v Auto-Owners Ins Co*, 458 Mich 288, 294; 582 NW2d 776 (1998). If there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law, the court may grant summary disposition pursuant to MCR 2.116(C)(10). *Hazle, supra*.

We conclude that reasonable minds cannot disagree that the conduct of which plaintiff complains was not “so outrageous in character, and so extreme in degree, as to go beyond all possible bounds of decency and to be regarded as atrocious and utterly intolerable in a civilized community.” *Haverbush v Powelson*, 217 Mich App 228, 234; 551 NW2d 206 (1996). Therefore, the trial court should have granted defendant’s motion for summary disposition as to this claim.

Reversed.

/s/ Harold Hood  
/s/ Henry William Saad  
/s/ Edward M. Thomas