

STATE OF MICHIGAN  
COURT OF APPEALS

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GARY LONSBY,

Plaintiff-Appellant,

v

POWERSCREEN, USA, INC., d/b/a  
SIMPLICITY ENGINEERING, INC.,  
POWERSCREEN INTERNATIONAL  
DISTRIBUTION LTD., POWERSCREEN  
INTERNATIONAL, PLC, LUKENS, INC. d/b/a  
SIMPLICITY ENGINEERING, INC.,  
BETHLEHEM STEEL CORPORATION and S A  
TORELLO, INC.,

Defendants-Appellees.

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UNPUBLISHED  
December 10, 2002

No. 230292  
St. Clair Circuit Court  
LC No. 98-001809-NO

Before: Murray, P.J., and Cavanagh and Bandstra, JJ.

CAVANAGH, J. (*dissenting*).

I respectfully dissent with regard to the dismissal of plaintiff's claims against defendant Powerscreen USA. The product at issue, i.e., the "component triple deck screen," is, as described in defendant's advertisement, a "6' x 20' portable three-deck inclined screening plant," that weighs approximately 17,900 pounds, requires a 30 HP, 1800 RPM motor, and costs approximately \$30,000. Defendant designed and manufactured this piece of machinery which was not functional without the use of conveyors to move the crushed and sorted materials through the three-deck screening plant. Plaintiff's arm was amputated by one of the associated underscreen conveyors.

First, I disagree with the majority's characterization of defendant's product as a "component part." See, e.g., *Davis v Link, Inc*, 195 Mich App 70, 71; 489 NW2d 103 (1992); *Jordan v Whiting Corp (On Rehearing)*, 49 Mich App 481, 484; 212 NW2d 324 (1973), rev'd in part on other grounds 396 Mich 145 (1976). Second, I would hold that, considering the evidence in a light most favorable to plaintiff, plaintiff created a genuine issue of material fact that defendant was actively involved in the "production" of the entire screening operation, which

necessarily included the conveyor system, as well as the triple-deck screening plant. See MCL 600.2945(i). Accordingly, I would reverse the trial court's grant of summary disposition in favor of this defendant and remand for continuation of proceedings.

/s/ Mark J. Cavanagh