

STATE OF MICHIGAN
COURT OF APPEALS

ROBERT A. ADAMCZYK,

Plaintiff-Appellant,

v

GARRISON CO.,

Defendant/Cross-Plaintiff,

and

EDGEWOOD ELECTRIC, INC.,

Defendant/Cross-Defendant-
Appellee,

and

H & R ELECTRIC, INC.,

Defendant-Appellee,

and

GREYSTONE BUILDERS, INC. d/b/a
GREYSTONE CONSTRUCTION, INC.,

Defendant.

UNPUBLISHED
December 6, 2005

No. 254596
Oakland Circuit Court
LC No. 2001-036905-NO

Before: Smolenski, P.J., and Schuette and Borrello, JJ.

PER CURIAM.

Plaintiff appeals as of right from the trial court order granting summary disposition pursuant to MCR 2.116(C)(10) in favor of defendant Edgewood Electric, Inc. in this negligence action. We reverse and remand. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

In order to support his negligence claim plaintiff needed to prove: (1) a duty owed by the defendant, (2) a breach of that duty, (3) causation, and (4) damages. *Haliw v Sterling Heights*, 464 Mich 297, 309-310; 627 NW2d 581 (2001). Summary disposition on plaintiff's claim was appropriate only if the evidence, viewed in the light most favorable to plaintiff, failed to establish a claim as a matter of law. *McClements v Ford Motor Co*, 473 Mich 373; 380; 702 NW2d 166 (2005). This Court reviews a trial court's decision whether to grant summary disposition de novo. *Id.*

Plaintiff was injured while working at a job site installing ceiling grids. Before resuming work after his break, plaintiff checked the floor for hazards and saw none. After he began working, plaintiff saw an electrician with a cart of supplies walk past him. Plaintiff was on stilts at the time and, shortly after the electrician passed, plaintiff slipped and fell. His supervisor and the superintendent picked up a piece of electrical conduit in the area of the fall and noted that the conduit must have been what caused plaintiff's fall. Defendant Edgewood was an electrical subcontractor at the site. The deposition testimony indicated that each contractor was contractually responsible for cleaning up its materials, that the cleanup was to be ongoing, and that it was common knowledge within the trades that areas where people were working on stilts had to be kept clear of debris. Plaintiff set forth a breach of this duty when he presented evidence that one of defendant Edgewood's employees negligently dropped and left a piece of electrical conduit in the area where plaintiff was using stilts.

Here, contrary to the trial court's findings, plaintiff presented sufficient evidence to create a genuine issue of material fact regarding whether the electrician responsible for leaving the electrical conduit in plaintiff's work area was an employee of defendant Edgewood. A claim is not rendered speculative merely because a plaintiff cannot rebut every possible theory that the evidence could support. *Libralter Plastics, Inc v Chubb Group of Insurance Cos*, 199 Mich App 482, 487-488; 502 NW2d 742 (1993). If there is evidence pointing to one theory of causation indicating a logical sequence of cause and effect, it does not matter if the evidence can support other plausible theories. *Id.* at 488. Therefore, the trial court erred in finding there was no genuine issue of material fact and in granting summary disposition in favor of defendant Edgewood.

Reversed and remanded for further proceedings consistent with this opinion. We do not retain jurisdiction.

/s/ Michael R. Smolenski
/s/ Bill Schuette
/s/ Stephen L. Borrello