

STATE OF MICHIGAN
COURT OF APPEALS

JOSEPH HINZ, Personal Representative of the
ESTATE OF JOHN ALLEN HAWKINS,

UNPUBLISHED
June 23, 2009

Plaintiff-Appellee,

v

MICHIGAN STATE UNIVERSITY BOARD OF
TRUSTEES,

No. 285278
Court of Claims
LC No. 07-000026-MZ

Defendant-Appellant.

Before: O'Connell, P.J., and Bandstra and Donofrio, JJ.

MEMORANDUM.

Defendant appeals as of right from the trial court's order denying defendant's motion for summary disposition based on plaintiff's failure to give notice as required by MCL 600.6431. We dismiss this appeal as moot. This appeal has been decided without oral argument pursuant to MCR 7.214(E).

Plaintiff sued defendant and its employee, Alan Almy, when Almy left his truck running, allowing it to be stolen by an intoxicated person who drove recklessly and struck and killed plaintiff's decedent. In an earlier appeal, we issued an opinion ordering the trial court to enter orders granting the defendants' motions for summary disposition based on governmental immunity under MCL 691.1407(2) and MCL 691.1405(5). *Hinz v Almy*, unpublished opinion per curiam of the Court of Appeals, issued May 7, 2009 (Docket Nos. 285125 and 285126).

That decision renders defendant's appeal here moot.

Dismissed as moot.

/s/ Peter D. O'Connell
/s/ Richard A. Bandstra
/s/ Pat M. Donofrio