

STATE OF MICHIGAN
COURT OF APPEALS

ANDREW JEAN RIDLEY, Personal
Representative of the Estate of JEFFREY
RIDLEY, Deceased,

Plaintiff-Appellee,

v

CITY OF DETROIT, DEPARTMENT OF
PUBLIC LIGHTING,

Defendant-Appellant,

and

GUYANNE C. COLLINS,

Defendant.

FOR PUBLICATION
July 17, 2001
9:05 a.m.

No. 194350
Wayne Circuit Court
LC No. 93-318129-NI

ON REMAND

Updated Copy
September 28, 2001

Before: Sawyer, P.J., and Murphy and Doctoroff, JJ.

SAWYER, P.J. (*concurring in part and dissenting in part*).

I agree with the majority to the extent that they conclude that the Supreme Court's decision in *Evens v Shiawassee Co Rd Comm'rs*, 463 Mich 143; 615 NW2d 702 (2000), does not affect this case because *Evens* dealt with state and county liability whereas this case involves a municipality. However, I write separately to state that I continue to believe that this matter was incorrectly decided originally and that I continue to adhere to the views expressed in my original dissent. *Ridley v Detroit*, 231 Mich App 381, 390; 590 NW2d 69 (1998) (Sawyer, P.J., dissenting).

Accordingly, I urge the Supreme Court to take this case up on the merits and reverse.

/s/ David H. Sawyer