

STATE OF MICHIGAN
COURT OF APPEALS

JEAN ZEIMAN,

Plaintiff-Appellee,

v

SKATE WORLD, INC.,

Defendant-Appellant.

UNPUBLISHED

August 2, 1996

No. 170986

LC No. 93-452794

Before: Hoekstra, P.J., and Kelly and James M. Graves, Jr.*, JJ.

PER CURIAM.

Defendant appeals by leave granted from an order of the Oakland County Circuit Court denying its motion for summary disposition. We reverse.

Plaintiff brought a negligence action for injuries she sustained from a collision with another roller-skater at defendant's roller-skating rink. Defendant moved for summary disposition pursuant to MCR 2.116(C)(10), claiming that plaintiff was precluded from recovering for her injuries under the Roller Skating Safety Act, MCL 445.1721 et seq.; MSA 18.485(1) et seq., because she assumed the risk of colliding with another skater. The trial court denied defendant's motion for summary disposition finding that there was a genuine issue of material fact regarding defendant's compliance with the safety standards required by the act.

MCL 445.1724; MSA 18.485(4) provides that:

While in a roller skating area, each roller skater shall do all of the following:

* * *

(d) Accept the responsibility for knowing the range of his or her own ability to negotiate

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

the intended direction of travel while on roller skates and to skate within the limits of that ability.

Subsequent to the ruling by the trial court, this Court held that this provision of the Roller Skating Safety Act means that by participating in the sport of roller-skating, a roller-skater accepts the dangers of colliding with another roller-skater. *Skene v Fileccia*, 213 Mich App 1; 539 NW2d 531 (1995). The reasonableness of the roller-skating rink operator's supervision is irrelevant. *Id.* at 7. Given that plaintiff's injuries resulted from a collision with another roller-skater, the trial court erred as a matter of law in denying defendant's motion for summary disposition.

Reversed.

/s/ Joel P. Hoekstra

/s/ James M. Graves, Jr.