

STATE OF MICHIGAN
COURT OF APPEALS

LINDA BOSTWICK and BILL BOSTWICK,

Plaintiffs-Appellants,

v

GERALD W. BULTEMA,

Defendant-Appellee.

UNPUBLISHED

December 30, 1996

No. 189594

LC No. 94-004394

Before: Bandstra, P.J., and Hoekstra and S.F. Cox,* JJ.

MEMORANDUM.

Plaintiffs appeal as of right an order of the Kent Circuit Court granting summary disposition in favor of defendant in this negligence case. We affirm.

Plaintiffs allege that the trial court erred in finding that no genuine issue of material fact existed regarding whether defendant was negligent. We disagree. Appellate review of decisions on motions for summary disposition is de novo to determine if the moving party is entitled to judgment as a matter of law. *Hamilton v Telford*, ___ Mich App ___; ___ NW2d ___ (Docket no. 183819, issued 10/01/96). For the same reasons contained in the well-reasoned opinion of the trial court, we find that summary disposition was properly granted. Giving the benefit of every reasonable doubt to the nonmoving party, we conclude, as did the trial court, that plaintiff Linda Bostwick's failure to observe and obey traffic signals was the sole cause of this accident. The facts of this case do not support any basis upon which to conclude that defendant's operation of his motor vehicle was in any way negligent or caused this incident.

Affirmed.

/s/ Richard A. Bandstra

/s/ Joel P. Hoekstra

/s/ Sean F. Cox

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

