

STATE OF MICHIGAN
COURT OF APPEALS

DEBRA SEXTON, Individually and as Next Best
Friend of NICOLE SEXTON and JOSHUA
SEXTON, Minors,

Plaintiff- Appellant,

v

COMMUTER TRANSPORTATION COMPANY,

Defendant- Appellee.

UNPUBLISHED
July 8, 1997

No. 192793
Wayne Circuit Court
LC No. 95-503019 NO

Before: Cavanagh, P.J., and Doctoroff and D.A. Teeple*, JJ.

MEMORANDUM.

Plaintiff appeals by right summary disposition, based on lack of duty, granted by the Wayne Circuit Court in favor of defendant in this negligence action. This case is being decided without oral argument pursuant to MCR 7.214(E).

Plaintiff, a Northwest Airlines employee, claims to have been injured while transferring passenger luggage to one of defendant's buses, because, according to plaintiff's complaint, defendant or its agents negligently failed to timely handle the luggage transfer itself or themselves. Defendant's obligations with respect to such luggage arise from a contract between defendant and Northwest Airlines, which contract is entered into for the benefit of Northwest Airlines and defendant, and perhaps incidentally for Northwest Airline passengers. No language in that contract, however, appears to be designed to make plaintiff a third-party beneficiary of such contract, and accordingly plaintiff cannot predicate a tort action on any breach by defendant of its contractual obligations. *Jones v Williams*, 160 Mich App 681, 685-686; 408 NW2d 426 (1987);

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

Douglas v Elba, Inc, 184 Mich App 160, 164-165; 457 NW2d 117 (1990). Accordingly, summary disposition was properly granted.

Affirmed.

/s/ Mark J. Cavanagh

/s/ Martin M. Doctoroff

/s/ Donald A. Teeple