

STATE OF MICHIGAN
COURT OF APPEALS

MARGARET ALEX, Personal Representative of the
Estate of JAMIE YOUNGO, Deceased,

UNPUBLISHED
April 3, 1998

Plaintiff-Appellant,

v

No. 194121
Muskegon Circuit Court
LC No. 93-030820 NI

RICHARD CHARLES WILDFONG, JR.,
FRUITPORT TOWNSHIP FIRE DEPARTMENT,
and FRUITPORT TOWNSHIP, a Michigan municipal
corporation,

Defendant-Appellees.

Before: Smolenski, P.J., and MacKenzie and Neff, JJ.

PER CURIAM.

Defendant Wildfong, a volunteer fireman, was driving a privately owned vehicle while responding to a fire alarm. En route, his vehicle struck a vehicle driven by plaintiff's decedent. Plaintiff sued, alleging that the death of her decedent was the result of Wildfong's negligence and gross negligence, and both the defendant fire department and defendant township were vicariously liable for Wildfong's conduct as his employers. After a jury verdict of no cause of action an order of dismissal was entered. Plaintiff appeals as of right and we reverse.

At oral argument, all parties agreed that this case is controlled by this Court's recent decision in *Haberl v Rose*, 225 Mich App 254; 570 NW2d 664 (1997), lv pending. In *Haberl* we held that individual owner liability arises under MCL 257.401(1); MSA 9.2101(1), when a government employee, during the course of his employment, negligently drives his own vehicle causing damages. There is nothing in the facts of this case which would distinguish it from *Haberl*, and, accordingly, on the strength of its authority we reverse and remand this case for further proceedings. We do not retain jurisdiction.

/s/ Michael J. Smolenski
/s/ Janet T. Neff