

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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NANCY DEMINK,

Plaintiff-Appellant,

v

CITY OF DETROIT,

Defendant-Appellee.

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UNPUBLISHED

June 12, 1998

No. 202266

Wayne Circuit Court

LC No. 96-614344 NO

Before: Wahls, P.J., and Jansen and Gage, JJ.

MEMORANDUM.

Plaintiff appeals as of right from the summary dismissal of her negligence action on the ground that the action is barred by governmental immunity. MCR 2.116(C)(7). We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

We have reviewed the pleadings together with all the documentary evidence submitted in a light most favorable to plaintiff, *Brown v Genesee Co Bd of Comm'rs*, 222 Mich App 363, 364-365; 564 NW2d 125 (1997), and we conclude that neither plaintiff's complaint nor the documentation supplied the trial court establishes that the driveway apron upon which plaintiff fell served a broader function consistent with the usage of a highway traveled by the public, MCL 691.1401(e); MSA 3.996(101)(e); *Ward v Frank's Nursery & Crafts, Inc*, 186 Mich App 120, 126; 463 NW2d 442 (1990). Accordingly, the driveway apron connected to a private driveway does not constitute a "public highway" for purposes of the defective highway exception to governmental immunity. MCL 691.1401(e); MSA 3.996(101)(e); MSA 691.1402(1); MSA 3.996(102)(1); *Richardson v Warren Consolidated School Dst*, 197 Mich App 697, 704-705; 496 NW2d 380 (1992). Plaintiff may not expand the statutory definition of a public highway for purposes of an application of the defective highway exception by relying on the definition of the term "highway" found in the Detroit City Code. *Scheurman v Dep't of Transportation*, 434 Mich 619, 630; 456 NW2d 66 (1990); *Stabley v Huron-Clinton Metropolitan Park Authority*, \_\_\_ Mich App \_\_\_, \_\_\_ NW2d \_\_\_ (1998).

Affirmed.

/s/ Myron H. Wahls

/s/ Kathleen Jansen

/s/ Hilda R. Gage

