

STATE OF MICHIGAN
COURT OF APPEALS

JUNE NAZARIO, Personal Representative of the
Estate of EDELFINA NAZARIO,

Plaintiff-Appellant,

v

TED HULL, VILLAGE OF REESE, COUNTY OF
TUSCOLA, THOMAS PENNINGTON and JON
OLIVER,

Defendants-Appellees.

UNPUBLISHED
November 30, 1999

No. 209203
Tuscola Circuit Court
LC No. 95-014414 NI

BELINDA MESTER, Next Friend of JESSICA
MESTER, a Minor,

Plaintiff-Appellant,

v

TED HULL, VILLAGE OF REESE, THOMAS
PENNINGTON, JON OLIVER and COUNTY OF
TUSCOLA,

Defendants-Appellees.

No. 209215
Tuscola Circuit Court
LC No. 95-014229 NI

Before: Gribbs, P.J., and Murphy and Griffin, JJ.

MEMORANDUM.

Plaintiffs appeal as of right from the trial court's order granting defendants' motion for summary disposition. The trial court found that pursuant to *Robinson v Detroit*, 225 Mich App 14; 571 NW2d

34 (1997), lv gtd 458 Mich 861 (1998), police officers owe no duty to voluntary passengers in a vehicle fleeing the police. We affirm.

We agree with the trial court. Pursuant to *Robinson, supra*, defendants owed no duty of care to plaintiffs, who were voluntary passengers in a vehicle fleeing the police. *Id.* at 19-21. *Robinson* was decided by a special panel of this Court, and although our Supreme Court has granted leave to appeal in that case, the decision is binding until reversed or modified by our Supreme Court. MCR 7.215(C) and (H). Contrary to plaintiffs' arguments, we find no basis on which to distinguish the facts of the instant case.

Affirmed.

/s/ Roman S. Gibbs

/s/ William B. Murphy

/s/ Richard Allen Griffin