

STATE OF MICHIGAN
COURT OF APPEALS

THOMAS ALT,

Plaintiff-Appellant,

v

HASTINGS MUTUAL INSURANCE COMPANY,

Defendant-Appellee.

UNPUBLISHED

March 7, 2000

No. 216934

Kent Circuit Court

LC No. 97-008752-NF

Before: Zahra, P.J., and White and Hoekstra, JJ.

WHITE, J. (concurring).

I do not agree that there was a failure of proof regarding whether plaintiff's left foot hit the piece of wood while he was alighting from the vehicle. While plaintiff's statements and deposition testimony were somewhat confusing and open to interpretation, plaintiff was fairly consistent in his position that his left foot hit the wood when he was placing it on the ground for the first time. Nevertheless, I concur in the affirmance on the basis that under the facts presented here, the injury's causal relationship to the parked motor vehicle was only incidental and fortuitous. *Putkamer v Transamerica Ins*, 454 Mich 626,635-636; 563 NW2d 683 (1997).

/s/ Helene N. White