

STATE OF MICHIGAN
COURT OF APPEALS

ANN E. MASKERY and ROBERT MASKERY,

Plaintiffs-Appellants,

v

UNIVERSITY OF MICHIGAN BOARD OF
REGENTS,

Defendant-Appellee.

UNPUBLISHED
March 24, 2000

No. 187738
Court of Claims
LC No. 94-015604-CM

CONNIE FANE and CHARLES FANE,

Plaintiffs-Appellees,

v

DETROIT LIBRARY COMMISSION,

Defendant-Appellant.

No. 211232
Wayne Circuit Court
LC No. 96-648922-NO

KAREN L. COX and NORMAN W. COX,

Plaintiffs-Appellants,

v

UNIVERSITY OF MICHIGAN BOARD OF
REGENTS,

Defendant-Appellee.

No. 215337
Court of Claims
LC No. 96-016039-CM

Before: Whitbeck, P.J., and Hoekstra and Owens, JJ.

HOEKSTRA, J. (*concurring*).

I agree with the majority opinion in all respects except the conclusion in Docket No. 187738 that the application of *Horace v Pontiac*, 456 Mich 744; 575 NW2d 762 (1998), to the instant facts provides an alternative basis for granting summary disposition in light of the majority's determination that the steps in question were "adjacent" to a public building. The majority concludes "that in light of *Horace* the steps on which plaintiff fell cannot be considered part of the residence hall building itself" and that "[t]he steps may correctly be considered 'adjacent' to the residence hall."

Contrary to the majority opinion, I conclude that the area of injury is more than merely "adjacent" to the building in question. The area of injury is immediately outside the entrance and located at this point is the courtesy phone that a visitor to the premises must use to contact a resident to obtain permission to enter the building. Indeed, plaintiff's injury is alleged to have occurred due to events involving this courtesy phone. Because the area in dispute is closely associated with ingress and egress *and* is related to the functioning of the building itself, I would find that the area of injury in dispute in this case is part of the public building for purposes of applying the public buildings exception to governmental immunity.

/s/ Joel P. Hoekstra