

STATE OF MICHIGAN
COURT OF APPEALS

PATRICIA BLALOCK and ROBERT
BLALOCK,

UNPUBLISHED
December 27, 2002

Plaintiffs-Appellants,

and

BLUE CROSS BLUE SHIELD OF MICHIGAN,

Intervening Plaintiff,

v

REDFORD UNION SCHOOL DISTRICT,

Defendant-Appellee.

No. 236606
Wayne Circuit Court
LC No. 00-025246-NO

Before: Hood, P.J., and Smolenski and Kelly, JJ.

MEMORANDUM.

Plaintiffs appeal as of right from a trial court order granting summary disposition in this premises liability case in favor of defendant under MCR 2.116(C)(10). We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

Plaintiffs argue that the trial court erred by granting summary disposition in favor of defendant under MCR 2.116(C)(10). In reviewing such a grant of summary disposition, we consider the documentary evidence de novo in a light most favorable to the nonmoving party to decide if a genuine issue of material fact exists. *Schuster Construction Services, Inc v Painia Development Corp*, 251 Mich App 227, 230; 631 NW2d 346 (2002). In her deposition testimony, plaintiff Patricia Blalock was unable to identify the point where she fell. There was no other evidence to reasonably support a conclusion that her fall was caused by the alleged defect relied on by plaintiffs. Rather, at most, the evidence allows only for conjecture or speculation that the fall may have occurred in relation to the alleged defect. Thus, we conclude that plaintiff did not present evidence to establish a genuine issue of material fact for trial because conjecture and speculation are insufficient to create such an issue in order to avoid

summary disposition under MCR 2.116(C)(10). *Karbel v Comerica Bank*, 247 Mich App 90, 95-98; 635 NW2d 69 (2001).

Affirmed.

/s/ Harold Hood
/s/ Michael R. Smolenski
/s/ Kirsten Frank Kelly