

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

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LINDA C. GOULET,

Plaintiff-Appellant/Cross-Appellee,

v

ANN ARBOR PUBLIC SCHOOLS,

Defendant-Appellee/Cross-  
Appellant,

and

TOWNSHIP OF PITTSFIELD,

Defendant.

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UNPUBLISHED

December 23, 2008

No. 281685

Washtenaw Circuit Court

LC No. 06-000323-CZ

Before: Murray, P.J., and Markey and Wilder, JJ.

PER CURIAM.

In this slip-and-fall case, plaintiff appeals, and defendant, Ann Arbor Public Schools, cross-appeals, as of right from the circuit court's orders granting summary disposition to defendants. We affirm. This appeal has been decided without oral argument pursuant to MCR 7.214(E).

Plaintiff alleged that she was injured while attempting to step onto a sidewalk located within defendant Pittsfield Township, running between Fresno Lane and Carpenter Elementary School, the latter of which is part of defendant Ann Arbor Public Schools. Plaintiff filed suit to recover for her injuries.

Both defendants moved for summary disposition. The court denied the motion in connection with the township, but this Court peremptorily reversed that decision in light of subsequently released caselaw. Plaintiff attempted to challenge the latter result in the present appeal, but this Court, in deference to its earlier reversal, dismissed the township from this appeal, and struck from plaintiff's brief the issue relating to that defendant.

The trial court granted the school district's motion, predicated in part on governmental immunity, on the ground that the district did not have jurisdiction over the sidewalk in question. Plaintiff's challenge to that decision stands as her only remaining issue on appeal.<sup>1</sup>

This Court reviews a trial court's decision on a motion for summary disposition de novo as a question of law. *Ardt v Titan Ins Co*, 233 Mich App 685, 688; 593 NW2d 215 (1999). A motion for summary disposition based on governmental immunity is decided by examining all documentary evidence submitted by the parties, accepting all well-pleaded allegations as true, and construing all evidence and pleadings in the light most favorable to the nonmoving party. *Tarlea v Crabtree*, 263 Mich App 80, 87; 687 NW2d 333 (2004); *Travelers Ins Co v Guardian Alarm Co of Michigan*, 231 Mich App 473, 477; 586 NW2d 760 (1998).

Governmental agencies in this state are generally immune from tort liability for actions taken in furtherance of governmental functions. MCL 691.1407(1). However, the immunity statute includes an exception for public highways, according to which "each governmental agency having jurisdiction over a highway shall maintain the highway in reasonable repair so that it is reasonably safe and convenient for public travel." MCL 691.1402(1). Not in dispute is that the Ann Arbor Public Schools is a governmental entity. At issue is whether it had jurisdiction over the walkway in question for purposes of the highway exception.

Plaintiff points to the school district's answers to interrogatories, where, in response to the request that it name the entity having jurisdiction or control over the sidewalk in question, as well as maintenance responsibilities, the district specified itself. However, the question is not whether the school district actually took part in the construction or maintenance of the sidewalk, but rather whether the district has statutorily recognized jurisdiction over it for purposes of the highway exception.

This Court squarely addressed that issue in the case upon which the court below relied, *Richardson v Warren Consolidated School Dist*, 197 Mich App 697; 496 NW2d 380 (1992). Plaintiff points out that in that case, this Court stated, "Our research has disclosed no case holding that a school district has jurisdiction over a public highway," *id.* at 702, and argues that this Court thus left open the possibility that such a case might arise. However, this Court's analysis of that issue begins with the statement, "In Michigan, school districts are not governmental agencies with jurisdiction over public highways," then proceeds through a survey of various statutes in explaining its conclusion that "[a]n examination of the Legislature's limitations on the regulation of highways makes it apparent that school districts enjoy no

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<sup>1</sup> The school district filed a cross-appeal, but presents issues that, instead of calling for some change in the result below, simply urge alternative bases for affirmance. The formality of a cross-appeal was thus unnecessary in this instance. See *Kosmyna v Botsford Community Hosp*, 238 Mich App 694, 696; 607 NW2d 134 (1999) ("an appellee need not file a cross appeal in order to argue an alternative basis for affirming the trial court's decision, even if that argument was considered and rejected by the trial court"); *Zimmerman v Owens*, 221 Mich App 259, 264; 561 NW2d 475 (1997) (this Court will not reverse when the trial court reaches the correct result regardless of the reasoning employed).

independent jurisdiction over highway matters.” *Id.* The analysis ends with the statement, “Defendant, a school district, is not liable for the design or maintenance of public highways.” *Id.* at 704.

*Richardson* thus did not leave open the question of a school district’s jurisdiction over a public highway for purposes of the highway exception to governmental immunity, but rather conclusively determined that a school district had no such statutorily recognized jurisdiction, and thus that the highway exception did not apply. The trial court thus correctly applied *Richardson* in granting the defendant school district’s motion for summary disposition.

In light of our resolution of this case, we need not reach the district’s alternative arguments for affirmance.

Affirmed.

/s/ Christopher M. Murray  
/s/ Jane E. Markey  
/s/ Kurtis T. Wilder