

STATE OF MICHIGAN
COURT OF APPEALS

THEODORE SLICER,

Plaintiff-Appellee/Cross-Appellee,

v

CITY OF ST. JOHNS,

Defendant/Cross-Plaintiff-
Appellant/Cross-Appellee,

and

COUNTY OF CLINTON,

Defendant,

and

CLINTON COUNTY ROAD COMMISSION,

Defendant/Cross-Defendant-
Appellee/Cross-Appellant.

UNPUBLISHED
December 6, 2012

No. 298068
Clinton Circuit Court
LC No. 09-010506-CK

Before: TALBOT, P.J., and BECKERING and M. J. KELLY, JJ.

TALBOT, J. (*concurring*).

I concur with the majority but write separately to note the following. The record demonstrates that Theodore Slicer was not well served by his attorney. In addition to the problems with the pleadings discussed by the majority, the most glaring issue was counsel's failure to establish, either by inquiry at Slicer's deposition or in an affidavit, the requisite facts to support that he was excused from complying with the notice requirement of the sewage disposal

system event exception to governmental immunity.¹ Although it is rather obvious that Slicer's failure to give timely notice of his claim resulted from the City's failure to provide him with an explanation of the notice requirements in compliance with the relevant statute,² such was not demonstrated by the evidence, and thus the notice exemption cannot apply. Slicer, however, continues to have remedies that he may pursue.

/s/ Michael J. Talbot

¹ MCL 691.1419(3).

² MCL 691.1419(2).