

STATE OF MICHIGAN
COURT OF APPEALS

KIRK LEAPHART,

Plaintiff-Appellant,

v

DEPARTMENT OF CORRECTIONS,

Defendant-Appellee.

UNPUBLISHED

October 5, 1999

No. 213210

Court of Claims

LC No. 98-016930 CM

Before: Griffin, P.J., and Zahra and Pavlich*, JJ.

MEMORANDUM.

Plaintiff appeals by right the opinion and order of the Court of Claims granting defendant's motion for summary disposition on statute of limitations grounds. We affirm.

Plaintiff was an inmate committed to the jurisdiction of the Department of Corrections when he suffered an injury to his left wrist while playing basketball at the Alger Correctional Facility in May 1993. He received medical treatment for the injury, as reflected in records for June of 1993.

Plaintiff filed his complaint in the Court of Claims in March 1998. Defendant moved for summary disposition pursuant to MCR 2.116(C)(7) and (8). The court granted the motion, finding that plaintiff's claim was barred by the statute of limitations, and that plaintiff had failed to state a cause of action on which relief could be granted where the complaint failed to meet the requirements of MCR 2.111(B).

MCL 691.1411(3); MSA 3.996(111) provides that the period of limitations for actions claiming damages as a result of governmental liability is set forth in MCL 600.6452(1); MSA 27A.6452(1). That statute provides for a three year statute of limitations for every claim against the state cognizable in the Court of Claims.

Except as otherwise expressly provided, a cause of action accrues at the time the wrong upon which the claims is based was done, regardless of the time when damage results. MCL 600.5827;

* Circuit judge, sitting on the Court of Appeals by assignment.

MSA 27A.5827. The wrong that triggers the running of the limitations period is the date a plaintiff's injury results from a breach of the alleged duty. *Lemmerman v Fealk*, 449 Mich 56, 64; 534 NW2d 695 (1995).

Here, plaintiff suffered his injury in 1993, and brought this action in 1998, well outside the three year limitations period. The trial court properly granted summary disposition pursuant to MCR 2.116(C)(7).

Affirmed.

/s/ Richard Allen Griffin

/s/ Brian K. Zahra

/s/ Scott L. Pavlich