

STATE OF MICHIGAN
COURT OF APPEALS

JEAN HLADKI, Next of Friend of AMANDA
HLADKI,

UNPUBLISHED
June 25, 1996

Plaintiff-Appellant,

v

No. 179918
LC No. 92-029261-NO

MARY B. LANE, MAURICE (BEN) LANE, and
MUSKEGON TILE & FLOOR COMPANY,

Defendants-Appellees.

Before: Marilyn Kelly, P.J., and Neff and J. Stempien,* JJ.

PER CURIAM.

Plaintiff appeals as of right from an order of the circuit court granting defendant Muskegon Tile and Floor Company's motion for directed verdict. We affirm.

I

This cause of action was instituted following an injury sustained by Amanda Hladki when she received a sliver in her foot on defendant Lane's newly installed wood floor. Defendant Muskegon Tile installed the floor.

Following plaintiff's case-in-chief, defendants sought a directed verdict. The trial court granted defendant Muskegon Tile's motion, finding that plaintiff failed to prove proximate cause with regard to her claim.

II

The sole issue on appeal is whether plaintiff submitted sufficient proof of causation to allow the case against Muskegon Tile to go to the jury. Even when viewed in a light most favorable to plaintiff,

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

we conclude she did not. See *Locke v Pacchtman*, 446 Mich 216, 223; 521 NW2d 786 (1994). Although causation may be shown circumstantially, a plaintiff's circumstantial proof must create reasonable inferences of causation and not mere speculation. *Skinner v Square D Co*, 445 Mich 153, 163-164; 516 NW2d 475 (1994). A mere possibility of causation is not enough. *Id.* at 165. Where the evidence presented would do nothing more than allow the jury to guess, plaintiff has not created a fact question for the jury. *Id.* at 174.

Here, plaintiff relies on Maurice Lane's testimony that he thought the defect in the floor was caused by Muskegon Tile's failure to properly seal the wood after it was laid. However, Lane also testified that he was only speculating as to whether Muskegon failed to properly seal the floor, and that many other possibilities existed that could explain why the portion of the floor in question was raised. We find that this evidence demonstrated nothing more than a mere possibility of causation and that the jury would have had to guess as to the true cause. Accordingly, we conclude that the trial court did not abuse its discretion in granting Muskegon Tile's motion for directed verdict. See *Howard v Canteen Corp*, 192 Mich App 427, 431; 481 NW2d 718 (1992).

Affirmed.

/s/ Marilyn Kelly

/s/ Janet T. Neff

/s/ Jeanne Stempien