

STATE OF MICHIGAN
COURT OF APPEALS

JAMES MORRIS,

Plaintiff-Appellant,

v

CITY OF RIVER ROUGE,

Defendant-Appellee.

UNPUBLISHED

July 2, 1996

No. 179897

LC No. 93-319825-NO

Before: Wahls, P.J., and Young and H.A. Beach,* JJ.

MEMORANDUM.

Plaintiff sued defendant for injuries sustained when he slipped on an icy patch of roadway. In response to defendant's motion for summary disposition, plaintiff moved to amend his complaint to add allegations that defendant's employees were grossly negligent under MCL 691.1407(2)(c); MSA 3.996(107)(2)(c). The circuit court denied plaintiff's motion and dismissed plaintiff's claims against defendant. Plaintiff appeals as of right from that order. We affirm.

On the basis of the evidence presented, reasonable minds could not conclude that the conduct of defendant's employees was "so reckless as to demonstrate a substantial lack of concern for whether an injury results." MCL 691.1407(2)(c); MSA 3.996(107)(2)(c). Plaintiff's amended complaint would not have survived a motion for summary disposition pursuant to MCR 2.116(C)(7). *Vermilya v Dunham*, 195 Mich App 79, 83; 489 NW2d 496 (1992). Accordingly, the circuit court properly denied plaintiff leave to amend his complaint on the basis that allowing the proposed amendment would have been futile. *Horn v Dep't of Corrections*, 216 Mich App 58, 65; ___ NW2d ___ (1996); *McNees v Cedar Springs Stamping Co*, 184 Mich App 101, 103; 457 NW2d 68 (1990).

Affirmed.

/s/ Myron H. Wahls

/s/ Robert J. Young, Jr.

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

/s/ Harry A. Beach