

STATE OF MICHIGAN
COURT OF APPEALS

COLLEEN AUVENSHINE, Personal Representative
of the ESTATE OF KEVIN MICHAEL MORROW,
and RANDY GORDON YEAGER, Personal
Representative of the ESTATE OF CHRISTOPHER
EARL YEAGER,

Plaintiffs-Appellees,

v

STATE OF MICHIGAN,

Defendant-Appellant.

UNPUBLISHED
September 10, 1996

No. 176200
LC No. 91-013687-CM

Before: Sawyer, P.J., and Bandstra and M.J. Talbot,* JJ.

PER CURIAM.

In September, 1989, the car in which plaintiffs' decedents were riding was struck by a truck. Plaintiffs alleged that the design of the highway was a proximate cause of the accident. The trial judge, sitting as the court of claims, found for plaintiffs and awarded damages. Defendant appeals as of right. We affirm.

A trial court's findings of fact are reviewed for clear error. MCR 2.613(C). *Markillie v Bd of Co Rd Comm'rs of Co of Livingston*, 210 Mich App 16, 22; 532 NW2d 878 (1995). Although the trial court may have erred in its finding that the driver of the Yeager vehicle could reasonably have expected the truck to stop, that error was harmless. MCR 2.613(A). Other evidence amply supported the court's other factual findings and its conclusions with respect to causation. Having reviewed the testimony of plaintiff's experts that convinced the trial court that the Yeager vehicle did stop, we are not left with a definite and firm conviction that this factual finding was a mistake. *Markillie, supra*.

Defendant cites no authority for its argument regarding loss of inheritance damages. That argument is effectively abandoned. *Hover v Chrysler Corp*, 209 Mich App 314, 319; 530 NW2d 96 (1995). Moreover, the statute does not require an expectation to inherit. MCL 600.2922(3)(a); MSA

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

27A.2922(3)(a). Similarly, after a de novo review of the legal question, *In re Lafayette Towers*, 200 Mich App 269, 273; 503 NW2d 740 (1993), we conclude that the award of damages measured against the purported loss of investment is supported by the broad language of the applicable statute. MCL 600.2922; MSA 27A.2922.

We affirm.

/s/ David H. Sawyer
/s/ Richard A. Bandstra
/s/ Michael J. Talbot