

STATE OF MICHIGAN
COURT OF APPEALS

DEANNA DITTO,

UNPUBLISHED

Plaintiff-Appellant,

v

No. 187086

LC No. 94-231-NO

GLEN ADAMS,

Defendant-Appellee.

Before: Michael J. Kelly, P.J., and O'Connell and K.W. Schmidt,* JJ.

O'CONNELL, J. (concurring in part and dissenting in part).

I agree with the majority's resolution of the negligence claim. However, I concur with the trial court that allowing plaintiff to amend her complaint would be futile and a waste of judicial resources.

I would affirm the decision of the trial court.

/s/ Peter D. O'Connell

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