

STATE OF MICHIGAN
COURT OF APPEALS

MARK REID and KATHLEEN REID,

Plaintiffs-Appellants,

v

AIR TECHNOLOGY PRODUCTS, a division of
RESEARCH COTTRELL, INC., a subsidiary of AIR
& WATER TECHNOLOGIES,

Defendant-Appellee.

UNPUBLISHED
December 6, 1996

No. 188044
LC No. 94-000505

Before: Hoekstra, P.J., and Sawyer and T.P. Pickard,* JJ.

MEMORANDUM.

Plaintiffs appeal as of right from a circuit court order granting defendant's motion for summary disposition under MCR 2.116(C)(10) and dismissing their claim for negligent entrustment stemming from an injury sustained by plaintiff Mark Reid while operating a power press during the course of his employment for Riteway Tool & Die Manufacturing. We affirm.

A trial court's grant of summary disposition is reviewed de novo. *G & A Inc v Nahra*, 204 Mich App 329; 514 NW2d 255 (1994). A motion for summary disposition under MCR 2.116(C)(10) tests the factual support for a claim and requires the court to determine whether there is a genuine issue of material fact and whether the movant is entitled to judgment as a matter of law. *Bourne v Farmers Ins Exchange*, 449 Mich 193, 197; 534 NW2d 491 (1995).

Plaintiffs' claim was properly dismissed by the trial court because plaintiffs are unable to prove negligent entrustment. One element of negligent entrustment is that the chattel entrusted is dangerous to

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

the person to whom it is entrusted as well as others. *White v Chrysler Corp*, 421 Mich 192, 202; 364 NW2d 619 (1984). Because the dies owned by defendant¹ are neither inherently dangerous nor unreasonably risky, *id.*, no genuine issue of material fact exists and summary disposition was properly granted.

Affirmed.

/s/ Joel P. Hoekstra
/s/ David H. Sawyer
/s/ Timothy P. Pickard

¹ The record shows that plaintiff's employer originally manufactured the dies and has retained continuous possession of them. Defendant purchased the dies from a prior owner.