

STATE OF MICHIGAN
COURT OF APPEALS

THOMAS EDWARD RICHMOND and JOY ANN
RICHMOND,

UNPUBLISHED
July 15, 1997

Plaintiffs-Appellants,

v

No. 195544
Allegan Circuit Court
LC No. 95-018818 NI

JASON ROBERT ASHBROOK,

Defendant-Appellee.

Before: Cavanagh, P.J., and Doctoroff and D.A. Teeple*, JJ.

MEMORANDUM.

Plaintiffs appeal as of right from an order summarily dismissing their automobile negligence action against defendant pursuant to MCR 2.116(C)(10). We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

The Worker's Disability Compensation Act abolishes an injured employee's common law right of action against all co-employees for job-related injuries. MCL 418.131; MSA 17.237(131); MCL 418.827(1); MSA 17.237(827)(1); *Kenyon v Second Precinct Lounge*, 177 Mich App 492, 497-498; 442 NW2d 696 (1989); *Holody v City of Detroit*, 117 Mich App 76, 81; 323 NW2d 599 (1982). As a matter of law, plaintiff Thomas Richmond and defendant worked for the same employer at the time of the accident for purposes of the act, *Farrell v Dearborn Mfg Co*, 416 Mich 267, 274-278; 330 NW2d 397 (1982); *Kenyon, supra*; *Renfro v Higgins Rack Coating & Mfg Co, Inc*, 17 Mich App 259, 266; 169 NW2d 326 (1969), and, hence, were co-employees for purposes of the act, *Holody, supra* at 81-82. As plaintiff's injuries occurred on his co-employer's premises just before commencement of his work shift, those injuries arose out of and in the course of employment. MCL 418.301(3); MSA 17.237(301)(3). Accordingly, plaintiffs' negligence action is barred by the act.

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

Affirmed.

/s/ Mark J. Cavanagh
/s/ Martin M. Doctoroff
/s/ Donald A. Teeple