

STATE OF MICHIGAN
COURT OF APPEALS

DAVID R. FARR,

Plaintiff-Appellant,

and

KATHIE S. SHAW,

Plaintiff,

v

GRAND RAPIDS RESTAURANTS, INC, d/b/a
SAYFEE'S EAST,

Defendant-Appellee.

UNPUBLISHED

July 25, 1997

No. 195428

Kent Circuit Court

LC No. 95-003090 NO

Before: Jansen, P.J., and Wahls and P.R. Joslyn*, JJ.

MEMORANDUM.

Plaintiff David Farr appeals as of right from an order summarily dismissing his premises liability action pursuant to MCR 2.116(C)(10). We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

Plaintiff failed to demonstrate the existence of a genuine issue of material fact with regard to the presence of an unsafe condition on defendant's premises. MCR 2.116(C)(10); *Skinner v Square D Co*, 445 Mich 153; 516 NW2d 475 (1994); *Serinto v Borman Food Stores*, 380 Mich 637; 158 NW2d 485 (1968); *Stefan v White*, 76 Mich App 654; 257 NW2d 206 (1977). Plaintiff's fall, in and of itself, is insufficient to raise an inference of an unsafe condition. *Stefan, supra* at 661; *Winfrey v S S Kresge Co*, 6 Mich App 504; 149 NW 2d 470 (1967). Plaintiff's speculation and conjecture with regard to the instrumentality of his fall is insufficient to create a genuine issue of material fact. *Libralter Plastic, Inc v Chubb Group of Ins Cos*, 199 Mich App 482; 502 NW2d 742 (1993).

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

In view of our disposition of this issue, we need not address plaintiff's remaining issue.

Affirmed.

/s/ Kathleen Jansen

/s/ Myron H. Wahls

/s/ Patrick R. Joslyn