

STATE OF MICHIGAN  
COURT OF APPEALS

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GARY GODBOUT,

Plaintiff-Appellant,

v

PROSPECT HILLS LTD PARTNERSHIP and  
CENTURY MANAGEMENT, INC.,

Defendants-Appellees,

and

PERRY DRUGS, INC.,

Defendant.

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UNPUBLISHED

September 12, 1997

No. 194721

Oakland Circuit Court

LC No. 95-495063 NO

Before: O'Connell, P.J., and White and C. F. Youngblood\*, JJ.

MEMORANDUM.

The trial court dismissed this premises liability action with prejudice as a consequence of plaintiff's failure to appear in court on the date duly scheduled for trial. Plaintiff appeals as of right. We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

The trial court did not abuse its discretion when it dismissed plaintiff's suit for failure to appear at trial where the record is devoid of any circumstances that would excuse plaintiff's failure to appear. MCR 2.504(B)(1); *Williams v Kroger Food Co*, 46 Mich App 514, 516-517; 208 NW2d 549 (1973). Moreover, the trial court cannot be said to have abused its discretion by failing to adjourn trial where plaintiff did not request an adjournment and good cause did not exist to grant such a request had it been made. *Zerillo v Dyksterhouse*, 191 Mich App 228, 230; 477 NW2d 117 (1991). Finally, the trial court did not abuse its discretion when it denied plaintiff's motion to reinstate his suit in light of plaintiff's failure to furnish mitigating circumstances that would excuse plaintiff's failure to appear. *Williams, supra*.

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

Affirmed.

/s/ Peter D. O'Connell

/s/ Helene N. White

/s/ Carole F. Youngblood