

STATE OF MICHIGAN
COURT OF APPEALS

DOROTHY M. PARKS,

Plaintiff-Appellant,

v

STATE OF MICHIGAN, STATE HIGHWAY
& TRANSPORTATION DEPARTMENT,

Defendant-Appellee.

UNPUBLISHED

January 6, 1998

No. 200329

Court of Claims

LC No. 96-016211 CM

Before: MacKenzie, P.J., and Hood and Hoekstra, JJ.

MEMORANDUM.

Plaintiff sustained personal injuries when she slipped on ice and snow as she stepped on the portion of a walkway closest to the parking lot at a rest area on I-96, intending to walk to the restroom. Defendant's motion for summary disposition based on governmental immunity was granted, and in this appeal as of right plaintiff asserts that her claim comes within the public building exception, MCL 691.1406; MSA 3.996(106), to governmental immunity. This appeal is being decided without oral argument pursuant to MCR 7.214(E). We affirm.

This case is controlled by the Supreme Court's decision in *Henkey v Grand Rapids*, 440 Mich 867; 485 NW2d 487 (1992), where the Court peremptorily reversed this Court's decision, which had agreed with precisely the kind of claim which plaintiff here makes. Under the Supreme Court's *Henkey* decision, the public building exception is limited to the building itself and does not extend to walkways which merely lead to the building. Alternatively, the Supreme Court's citation to *Wade v Dep't of Corrections*, 439 Mich 158; 483 NW2d 26 (1992) could be interpreted as an assertion that removal of snow and ice is a problem of maintenance, not design of public buildings, and claims for negligent maintenance do not avoid governmental immunity. Under either reading of *Henkey*, plaintiff's claim is clearly barred by governmental immunity.

Affirmed.

/s/ Barbara B. MacKenzie

/s/ Harold Hood

/s/ Joel P. Hoekstra