

STATE OF MICHIGAN
COURT OF APPEALS

LEON BRYANT, Personal Representative of the
Estate of ASIA LANELLE ORLANDO, Deceased,

UNPUBLISHED
February 17, 1998

Plaintiff-Appellant,

v

No. 198465
Wayne Circuit Court
LC No. 96-602927 NO

NORTHLAND ROLLER RINK, INC.,

Defendant-Appellee.

Before: Michael J. Kelly, P.J., and Fitzgerald and M.G. Harrison*, JJ.

MEMORANDUM.

Having patronized defendant's roller skating arena, plaintiff's decedent was waiting in defendant's parking lot for a ride home with her companions, the arena having closed for the evening. A fight involving other patrons erupted in the parking lot; one of the principals in this fracas had earlier been involved in a disturbance inside the arena and been ejected. However, neither plaintiff's decedent nor her companions were in any way involved in that earlier altercation. A shot was fired which struck and killed plaintiff's decedent. Plaintiff appeals by right from summary disposition under MCR 2.116(C)(8) and (10) in favor of defendant. We affirm; this appeal is being decided without oral argument pursuant to MCR 7.214(E).

Plaintiff alleges that the defendant's premises are in a high crime neighborhood, in response to which defendant had furnished security guards. Plaintiff contends that the security guards' performance was incompetent and ineffective, below the standard of care for persons in that line of work. That, however, fails to establish a cognizable basis for tort liability. *Scott v Harper Recreation, Inc.*, 444 Mich 441; 506 NW2d 857 (1993).

Furthermore, since plaintiff's decedent had not been involved in the earlier problems with the combatants, she was an unforeseeable victim of the violence which erupted. Defendant simply owed plaintiff's decedent no duty to protect her or to intervene to do so under these

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

circumstances. *Mason v Royal DeQuindre, Inc*, 455 Mich 391, 403; 566 NW2d 199 (1997).

Affirmed.

/s/ Michael J. Kelly

/s/ E. Thomas Fitzgerald

/s/ Michael G. Harrison