

STATE OF MICHIGAN
COURT OF APPEALS

MARIE VALENTINE, Personal Representative of the
Estate of ROBERT F. VALENTINE, Deceased,

UNPUBLISHED
February 27, 1998

Plaintiff-Appellant,

v

CITY OF FLINT, OFFICER MICHAEL ANGUS,
OFFICER ERIC RODGERS and LT. ROB KISSEL,

No. 201128
Genesee Circuit Court
LC No. 95-038336-NI

Defendants-Appellees.

QUATRIL DIZA WILLIAMS,

Plaintiff-Appellant,

v

CITY OF FLINT, OFFICER MICHAEL ANGUS,
OFFICER ERIC RODGERS and LT. ROB KISSEL,

No. 201129
Genesee Circuit Court
LC No. 95-038323-NI

Defendants-Appellees.

Before: McDonald, P.J., and Sawyer and Hoekstra, JJ.

PER CURIAM.

In these consolidated appeals, plaintiffs appeal as of right the trial court's order granting summary disposition pursuant to MCR 2.116(C)(10) and dismissing their claims of negligence. We affirm.

Plaintiff's decedent Marie Valentine died and co-plaintiff Quatrail Diza Williams suffered severe and permanent injuries when the car in which they were voluntary passengers failed to negotiate a curve, left the road and flipped over several times while being pursued by defendant officers at a high rate of

speed. Plaintiffs' sole argument is that the trial court erred in granting summary disposition in favor of defendants on their negligence claims arising from the automobile accident. We disagree.

In *Robinson v City of Detroit*, 225 Mich App 14, 22; 571 NW2d 34 (1997), lv pending, this Court resolved a conflict between *Cooper v Wade*, 218 Mich App 649; 554 NW2d 919 (1996), and *Robinson v City of Detroit (On Rehearing)*, 220 Mich App 801; 563 NW2d 689 (1996), by holding that a voluntary passenger in a car fleeing from the police is not owed a legal duty by the police, and therefore, may not sue for personal injuries sustained as a result of the police chase. Therefore, we find that the trial court did not err in granting summary disposition to defendants pursuant to MCR 2.116(C)(10), although for different reasons than those stated by the trial court.

Affirmed.

/s/ Gary R. McDonald

/s/ David H. Sawyer

/s/ Joel P. Hoekstra