

STATE OF MICHIGAN
COURT OF APPEALS

DONNA ANN JEFFERSON and TONY
JEFFERSON,

UNPUBLISHED
January 24, 2003

Plaintiffs-Appellants,

v

CITY OF PONTIAC, DETECTIVE WARE,
SERGEANT SMITH and OFFICER JOHN DOE,

No. 238681
Oakland Circuit Court
LC No. 01-034522-NO

Defendants-Appellees,

and

PONTIAC POLICE DEPARTMENT,

Defendant.

Before: Cooper, P.J., and Bandstra and Talbot, JJ.

MEMORANDUM.

Plaintiffs appeal as of right from a circuit court order granting defendants' motion for summary disposition. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Plaintiffs contend that they suffered injury and damages due to defendants' failure to investigate an alleged parental kidnapping and to institute criminal proceedings against the perpetrator as promised. The trial court granted defendants' motion for summary disposition pursuant to MCR 2.116(C)(8), finding that they did not owe plaintiffs a duty under the public duty doctrine. *Beaudrie v Henderson*, 465 Mich 124, 141-142; 631 NW2d 308 (2001). The trial court also granted defendants' motion for summary disposition pursuant to MCR 2.116(C)(7), finding that plaintiffs' tort claims were barred by governmental immunity. MCL 691.1407(2).

On appeal, plaintiffs claim that the trial court erred in concluding that the public duty doctrine was applicable to their claim and that they failed to establish the necessary special relationship between themselves and defendants. Plaintiffs are not entitled to relief because they have failed to address the court's alternate ruling on the basis of governmental immunity, an issue which must be reached in order to reverse the trial court's ruling. *Sargent v Browning-*

Ferris Indus, 167 Mich App 29, 37; 421 NW2d 563 (1998); *Roberts & Son Contracting, Inc v North Oakland Dev Corp*, 163 Mich App 109, 113; 413 NW2d 744 (1987).

Affirmed.

/s/ Jessica R. Cooper
/s/ Richard A. Bandstra
/s/ Michael J. Talbot