

STATE OF MICHIGAN
COURT OF APPEALS

VLINDA DAVIS, on behalf of herself and her
minor children, ANDRE DAVIS, ANGELA
DAVIS, MARQUES DAVIS, TIMOTHY DAVIS,
CHRISTOPHER DAVIS, TA-MYA DAVIS,
GARNETT DAVIS II, and CHANTAL DAVIS,

UNPUBLISHED
October 20, 2005

Plaintiffs/Counterdefendants-
Appellants,

v

CITY OF SOUTHFIELD,

No. 252347
Oakland Circuit Court
LC No. 1998-005243-NO

Defendant/Counterplaintiff-
Appellee.

Before: Cooper, P.J., and Fort Hood and R.S. Gribbs*, JJ.

COOPER, P.J. (*concurring*).

I agree with the majority that we must affirm the trial court's order granting summary disposition in favor of defendant. It is clear that at least one of the sewage backups into plaintiff's home was caused by poor plumbing in the home itself. There is no indication in the record that defendant's municipal sewage system was unable to handle the volume it carried or that there was any defect in the sewer line. Accordingly, there is no evidence anywhere in the record that the sewer line under defendant's control was the cause of the sewage backups.

/s/ Jessica R. Cooper

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