

STATE OF MICHIGAN
COURT OF APPEALS

HANY F. KOULTA, Personal Representative for
the Estate of SAMI F. KOULTA, Deceased,

UNPUBLISHED
July 6, 2006

Plaintiff-Appellee,

v

No. 266886
Macomb Circuit Court
LC No. 2004-005221-NO

CITY OF CENTERLINE,

Defendant,

and

DANIEL MERCIEZ, ROBERT WROBLEWSKI,
and STEVEN HILLA,

Defendants-Appellants.

Before: Bandstra, P.J., and Saad and Owens, JJ.

BANDSTRA, J. (*concurring*).

This case presents strong evidence of gross negligence by defendants that set in motion events that foreseeably resulted in a tragic accident. Nonetheless, we are bound by the statutory language analyzed by the majority opinion and the public duty doctrine precedents discussed. Until the statute is amended or the Supreme Court changes the public duty doctrine, no relief can be afforded a plaintiff even in a case as egregious as this.

/s/ Richard A. Bandstra