

STATE OF MICHIGAN  
COURT OF APPEALS

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MAUREEN MCDONNELL,

Plaintiff-Appellee,

v

AMERICAN NATIONAL RED CROSS and  
WASHTENAW COUNTY BRANCH OF THE  
AMERICAN RED CROSS,

Defendants-Appellees.

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UNPUBLISHED

September 19, 2006

No. 268686

Washtenaw Circuit Court

LC No. 01-000073-NO

Before: Fort Hood, P.J., and Bandstra and Donofrio, JJ.

PER CURIAM.

In this negligence action, plaintiff appeals as of right the trial court's grant of summary disposition in favor of defendants. We affirm.

Plaintiff suffered symptoms of post-concussive syndrome after falling to the ground after donating blood at a blood drive conducted by defendants. She sued defendants, alleging that they were negligent in failing to provide a volunteer to escort her from the donation area to the refreshment/recovery area, and that had an escort been provided, she would not have been injured. Defendants moved for summary disposition under MCR 2.116(C)(10), arguing that no genuine issue of material fact existed regarding causation and that plaintiff's alleged lost wages damages were remote and speculative. Plaintiff failed to respond to the motion as required by MCR 2.116(G)(4), within the time limit set out in MCR 2.116(G)(1)(a)(ii). Accordingly, the trial court dispensed with oral argument under MCR 2.119(E)(3) and found that summary disposition in favor of defendants was appropriate for the reasons articulated by defendants in their brief.

We review de novo a trial court's decision on a motion for summary disposition. *Heckmann v Detroit Chief of Police*, 267 Mich App 480, 486; 705 NW2d 689 (2005). A motion under MCR 2.116(C)(10) tests the factual sufficiency of a complaint and must be supported by affidavits, depositions, admissions, or other documentary evidence. *Id.*; MCR 2.116(G)(3)(b). When a motion under MCR 2.116(C)(10) is properly supported, the nonmoving party may not rest upon the mere allegations or denials of her pleading, but must, by affidavits or other evidentiary materials, set out specific facts showing that there is a genuine issue for trial. MCR 2.116(G)(4); *Skinner v Square D Co*, 445 Mich 153, 160-161; 516 NW2d 475 (1994). If the nonmoving party does not respond in such a manner, judgment, if appropriate, shall be entered

against her. MCR 2.116(G)(4). Summary disposition is appropriate under MCR 2.116(C)(10) if there is no genuine issue regarding any material fact and, viewing the substantively admissible evidence in the light most favorable to the nonmoving party, the moving party is entitled to judgment as a matter of law. *Heckmann, supra* at 486.

Here, plaintiff failed to respond to defendants' motion for summary disposition under MCR 2.116(C)(10) as required by MCR 2.116(G)(4). "[O]ur Supreme Court has clearly ruled that an opposing party may not merely rest on its allegations at the summary disposition stage, but must set forth specific facts creating a triable issue for the jury." *The Detroit News, Inc v Policemen and Firemen Retirement Sys of Detroit*, 252 Mich App 59, 70-71; 651 NW2d 127 (2002). Indeed, the nonmoving party "must come forward with at least some evidentiary proof, some statement of specific fact upon which to base h[er] case. If [s]he fails, the motion for summary judgment is properly granted." *Skinner, supra* at 161, quoting *Durant v Stahlin*, 375 Mich 628, 640; 135 NW2d 392 (1965). Because plaintiff failed to satisfy her burden under MCR 2.116(G)(4) of establishing that a genuine issue of material fact existed regarding causation and lost wages damages, summary disposition in favor of the moving party was required. *Nastal v Henderson & Assoc Investigations, Inc*, 471 Mich 712, 725; 691 NW2d 1 (2005). Accordingly, the trial court properly entered summary disposition in favor of defendants.

We affirm.

/s/ Karen M. Fort Hood

/s/ Richard A. Bandstra

/s/ Pat M. Donofrio