

Order

Michigan Supreme Court
Lansing, Michigan

April 20, 2007

Clifford W. Taylor,
Chief Justice

132154

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

LARRY REAUME, as Next Friend of
Matthew Patrick Reaume, a Minor,
Plaintiff-Appellee,

v

SC: 132154
COA: 268071
Monroe CC: 03-016704-NO

JEFFERSON MIDDLE SCHOOL,
Defendant,

and

RYAN NADEAU,
Defendant-Appellant.

On April 11, 2007, the Court heard oral argument on the application for leave to appeal the August 15, 2006 judgment of the Court of Appeals. On order of the Court, the application is again considered. MCR 7.302(G)(1). In lieu of granting leave to appeal, we REVERSE the judgment of the Court of Appeals and we REMAND this case to the Monroe Circuit Court for entry of summary disposition in favor of defendant Ryan Nadeau. Even accepting as true the allegation that the defendant, without warning, grabbed the plaintiff from behind and took him to the wrestling mat, this did not produce the injury to the plaintiff. The injury occurred while the defendant and the plaintiff were engaged in wrestling activity. The plaintiff testified that after a completed body roll, he did what he had been taught to do — brace his arm to attempt an escape — and only then did the injury occur. The defendant's alleged failure to give adequate notice of the initial takedown, utilized by the Court of Appeals as the basis to affirm the denial of summary disposition, was not the proximate cause of the plaintiff's injury. *Robinson v City of Detroit*, 462 Mich 439 (2000). See also *Ritchie-Gamester v Berkley*, 461 Mich 73 (1999).

CAVANAGH, J., would deny leave to appeal.

WEAVER and KELLY, JJ., would grant leave to appeal.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

April 20, 2007

Corbin R. Davis

Clerk