STATE OF MICHIGAN

COURT OF APPEALS

DAN ANDRZEJEWSKI,

Plaintiff-Appellant,

v

DAVID M. GRIEBE, DONNA M. GRIEBE and JEFFREY GRIEBE,

Defendants-Appellees.

UNPUBLISHED
July 30, 1999

No. 206095
Macomb Circuit Court
LC No. 96-001346 NO

Before: Cavanagh, P.J., and Hoekstra and Gage, JJ.

PER CURIAM.

Plaintiff appeals as of right from the trial court's order granting defendants' motion for summary disposition pursuant to MCR 2.116(C)(10) in this negligence case. Specifically, plaintiff argues that the trial court erred when it ruled that defendants had no duty to protect him from the injuries he suffered on their premises. We affirm.

We review motions for summary disposition de novo. *Spiek v Dep't of Transportation*, 456 Mich 331, 337; 572 NW2d 201 (1998). A motion for summary disposition under MCR 2.116(C)(10) tests whether there is factual support for a claim. *Spiek, supra* at 337. Giving the benefit of doubt to the nonmovant, this Court must determine whether a record might be developed which will leave open an issue upon which reasonable minds could differ. *Bertrand v Alan Ford, Inc*, 449 Mich 606, 618; 537 NW2d 185 (1995); *Farm Bureau Mutual Ins Co of Michigan v Stark*, 437 Mich 175, 184-185; 468 NW2d 498 (1991).

According to plaintiff, he attended a party at defendants' home. Jeffrey Griebe's parents, also named in this suit, owned the home but were not present during their son's party. A large number of young people, perhaps as many as two hundred, attended the party. A large percentage of the guests were drinking and intoxicated. A fight broke out, and plaintiff's arm was severely cut when someone swung a glass bottle at a third person. Police and medical staff were called to the scene and Jeffrey, who police described as intoxicated and uncooperative, was cited for disorderly conduct. Police contacted Jeffrey's parents. David Griebe, Jeffrey's father, told police that he and his wife intended to

spend the night away from their home and that they knew their son was going to host a party. Police issued an appearance ticket to David Griebe.

A negligence cause of action requires "that the defendant owed a legal duty to the plaintiff, that the defendant breached or violated the legal duty, that the plaintiff suffered damages, and that the breach was a proximate cause of the damages suffered." *Schultz v Consumers Power Co*, 443 Mich 445, 449; 506 NW2d 175 (1993). "Duty" is a legally recognized obligation to conform to a particular standard of conduct toward another. *Howe v Detroit Free Press, Inc*, 219 Mich App 150, 155; 555 NW2d 738 (1996). Ordinarily, whether a duty exists is a question of law for the court to decide. *Mason v Royal Dequindre, Inc*, 455 Mich 391, 397; 566 NW2d 199 (1997). If there is no duty, summary disposition is proper. *Eason v Coggins Memorial Christian Methodist Episcopal Church*, 210 Mich App 261, 263; 532 NW2d 882 (1995).

The duty that a possessor of land owes to a visitor depends on the status of the visitor at the time of the injury. A visitor may be a trespasser, a licensee, or an invitee. *Stanley v Town Square Cooperative*, 203 Mich App 143, 146-147; 512 NW2d 51 (1993). If the facts are not in dispute, the issue of the visitor's status is one of law for the court. *Stitt v Holland Abundant Life Fellowship*, 229 Mich App 504, 505; 582 NW2d 849 (1998).

Plaintiff does not dispute that he was a licensee, and nothing in this case suggests that he enjoyed any other status.[1] See *Wymer v Holmes*, 429 Mich 66, 71 n 1; 412 NW2d 213 (1987). Generally, a possessor owes a licensee a duty to warn him of any hidden dangers about which the owner knows or has reason to know, if the licensee did not know or have reason to know of the dangers involved. *Wymer, supra* at 71 n 1. A possessor does not owe a licensee a duty of inspection. *Id.* In the instant case, the potential danger from a drunken group of teenagers was not hidden. Indeed, it should have been readily apparent to plaintiff. Defendants had no duty to warn plaintiff of potential violence. See *D'Ambrosio v McCready*, 225 Mich App 90, 94; 570 NW2d 797 (1997).

Plaintiff also argues that the trial court erred in granting summary disposition because plaintiff introduced evidence indicating that David Griebe and Donna Griebe breached their duty to control their minor child by leaving their son at home unsupervised with full knowledge that he intended to host a party. Parents have a duty to exercise reasonable care to control their minor children. *Reinert v Dolezel*, 147 Mich App 149, 157; 383 NW2d 148 (1985). We conclude, however, that there is insufficient evidence to establish that David Griebe or Donna Griebe breached their duty to reasonably control Jeffrey Griebe. There is no evidence that David Griebe or Donna Griebe knew or should have known that their seventeen-year-old son lacked the responsibility to be left unsupervised. Moreover, there is nothing to suggest that either parent had any idea of the size or nature of the party their son planned to host or had any reason to believe that illegal activity would be taking place at their home.

Plaintiff argues that the trial court failed to address his claim that defendants David and Donna Griebe breached their duty to supervise their minor child. Indeed, the trial court's order and opinion does not address this issue, despite the fact that plaintiff raised it in his response to defendant's motion for summary disposition. However, as we noted above, the claim has no merit. To the extent the trial court erred when it failed to consider this additional theory of liability before granting defendant's motion

for summary disposition, the error does not require reversal. This Court will not reverse a trial court's decision if the trial court reached the right result for the wrong reason. *Lane v Kindercare Learning Centers, Inc*, 231 Mich App 689, 697; 588 NW2d 715 (1998).

Finally, plaintiff claims that defendants' violation of the Michigan Liquor Control Act, MCL 436.33; MSA 18.1004, precludes summary disposition. That statute prohibits the sale or supply of alcohol to persons under twenty-one years of age. This state's public policy is that persons less than twenty-one years old should not possess alcohol for personal consumption and other persons should be prohibited from selling or giving alcohol to those less than twenty-one years old. *Brown v Jones*, 200 Mich App 212, 216; 503 NW2d 735 (1993). Nothing in the instant case supports plaintiff's claim that defendants violated the statute. Plaintiff testified that Jeffrey Griebe did not charge a fee to gain admission into the party and plaintiff presented no evidence that defendants furnished alcohol to those people attending the party. Therefore, to the extent plaintiff argues that he should be granted leave to amend his complaint to add a claim involving dram shop liability, we conclude that amendment would be futile. The addition of allegations, which fail to state a claim, is futile. *Lane, supra* at 697.

Affirmed.

/s/ Mark J. Cavanagh
/s/ Joel P. Hoekstra
/s/ Hilda R. Gage

[1] In his brief, plaintiff states that he may have been either a licensee or an invitee. However, plaintiff offers no argument to support his claim that he enjoyed the status of an invitee. An appellant may not merely announce his position and leave it to this Court to discover and rationalize the basis for his claim. *Wilson v Taylor*, 457 Mich 232, 243; 577 NW2d 100 (1998).