

STATE OF MICHIGAN
COURT OF APPEALS

STEVE VANSTON,

Plaintiff-Appellant,

v

NEIL N. D. WINDLESS,

Defendant-Appellee.

UNPUBLISHED

December 18, 1998

No. 203838

Ingham Circuit Court

LC No. 95-081065 NI

Before: Cavanagh, P.J., and Markman and Smolenski, JJ.

PER CURIAM.

Plaintiff appeals as of right from a judgment of no cause of action. We affirm.

This negligence action arises from a traffic collision in which defendant's vehicle was struck by plaintiff's vehicle while defendant's vehicle was making a left turn. The jury returned a verdict specifically finding that defendant was not negligent.

On appeal, plaintiff argues that the undisputed evidence established that defendant violated MCL 257.648(1); MSA 9.2348(1), the statute requiring a driver to first see that a turn can be made in safety before turning. Plaintiff argues that there was therefore no question that defendant was negligent. Plaintiff contends that accordingly the trial court erred in denying plaintiff's motions for a directed verdict or a judgment notwithstanding the verdict (JNOV) on the issue of negligence. Plaintiff also contends that the trial court erred in denying his motion for a new trial because the verdict was against the great weight of the evidence.

Certainly the violation of a statutory duty of care may lead to an inference of negligence. *Hunt v Freeman*, 217 Mich App 92, 99; 550 NW2d 817 (1996). However, contrary to plaintiff's argument, after reviewing the evidence and all legitimate inferences therefrom in a light most favorable to defendant, we conclude that reasonable jurors could honestly have reached different conclusions concerning whether defendant violated MCL 257.648(1); MSA 9.2348(1). Accordingly, we conclude that the trial court did not err in denying plaintiff's motions for a directed verdict or a JNOV. *Hunt, supra; McLemore v Detroit Receiving Hosp & Univ Medical Center*, 196 Mich App 391, 395; 493 NW2d 441 (1992). We likewise affirm the trial court's denial of plaintiff's motion for a new trial

because we conclude that the trial court did not abuse its discretion in finding that the verdict was not against the great weight of the evidence. *Phinney v Perlmutter*, 222 Mich App 513, 525; 564 NW2d 532 (1997).

Affirmed.

/s/ Mark J. Cavanagh

/s/ Stephen J. Markman

/s/ Michael R. Smolenski