

STATE OF MICHIGAN
IN THE SUPREME COURT

Appeal from the Court of Appeals
(Whitbeck, P.J., and Jansen and Davis, JJ.)

Rodney McCormick,

Plaintiff-Appellant

136738
Supreme Court No ~~136783~~
Court of Appeals No. 275888
Genesee CC No. 06-83549-NI

v

Larry Carrier,

Defendant-Appellee.

**AMICUS CURIAE BRIEF OF THE MICHIGAN ASSOCIATION FOR JUSTICE
IN SUPPORT OF PLAINTIFF-APPELLANT**

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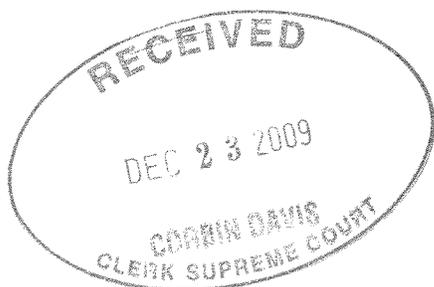


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INTEREST OF AMICUS CURIAE

The Michigan Association for Justice is an organization of over 1,600 Michigan lawyers engaged primarily in litigation and trial work. The Michigan Association for Justice recognizes an obligation to assist this Court on important issues of law that would substantially affect the orderly administration of justice in the trial courts of this state. This case presents an important issue of law regarding the continued viability of this Court's interpretation of the serious impairment threshold standard in no-fault auto accident cases in *Kreiner v Fisher*, 471 Mich 109; 683 NW2d 611 (2004). The outcome of this Court's decision in this case will have a tremendous impact on any person who sustains injuries in an automobile accident.

STATEMENT OF BASIS OF JURISDICTION

Appellant Rodney McCormick ("McCormick") timely filed his application for leave to appeal from the March 25, 2008 judgment of the Court of Appeals. This Court granted leave to appeal in its order granting reconsideration dated August 20, 2009.

STATEMENT OF RELIEF SOUGHT

The Michigan Association for Justice asks this Court to reverse the Court of Appeals' judgment on the grounds that plaintiff presented sufficient evidence that he suffered a serious impairment of body function to create a fact issue for a jury. The

Michigan Association for Justice further asks this Court to reverse its decision in *Kreiner v Fisher*, and interpret the serious impairment threshold in a way that is consistent with the Legislature’s intent, based on the plain language of the statute.

STATEMENT OF QUESTIONS PRESENTED FOR REVIEW

1. Did Plaintiff establish a threshold injury under the serious impairment of body function standard created by the Legislature in Section 3135(7) of the No-Fault Act when he was unable to work for one year after having his ankle crushed, which required two surgeries?

Michigan Association for Justice answers: Yes.

2. Did this Court in *Kreiner v Fisher* misinterpret Section 3135(7) when it stated that the serious impairment threshold required a Plaintiff to show that the injury affected “the course and trajectory” of his “entire life” or “whole life,” even though those terms do not appear anywhere in the Legislature’s chosen definition of “serious impairment of body function”?

Michigan Association for Justice answers: Yes.

3. Has this Court’s interpretation of MCL 500.3135(7) forced trial courts to reach arbitrary and inconsistent conclusions, resulting in many plaintiffs who would otherwise have satisfied the legislative serious impairment threshold being barred from recovery as a result of the judicial creation of extra-statutory requirements in

Kreiner v Fisher?

Michigan Association for Justice answers: Yes.

4. Did the Legislature unconstitutionally deny plaintiffs the right to a jury trial when it created a standard that allowed judges to determine as a matter of law the fact intensive question of whether a plaintiff has suffered an injury that affects his or her “general ability to lead his or her normal life”?

Michigan Association for Justice answers: Yes.

STANDARD OF REVIEW

Resolution of the issues in this case involve the interpretation of provisions of the No-Fault Act. Statutory interpretation is a question of law that this Court reviews de novo. *Reed v Yackell*, 473 Mich 520, 528; 703 NW2d 1 (2005); *Paige v City of Sterling Heights*, 476 Mich 495, 504; 720 NW2d 219 (2006). This case also requires an application of the law to the facts, which this Court also reviews de novo. *Cain v Dep't of Corrections*, 451 Mich 470, 503 n 38; 548 NW2d 210 (1996).

STATEMENT OF FACTS

The facts and proceedings most pertinent to the legal issues presented in this amicus curiae brief are summarized as follows:

In January 2005, Rodney McCormick sustained an automobile injury when a co-worker backed a truck over McCormick's left ankle. (Court of Appeals Opinion at 2). The accident broke McCormick's ankle and required two surgeries. (COA Opinion at 2). Due to the injury, McCormick was unable to return to work until January 2006 – 19 months after the accident – and once he returned to work, his employer had to assign him to another duty. (COA Opinion at 2; McCormick dep., pp. 12-13, 21; Apx 31a - 32a, 34a). During the year when he was unable to work, McCormick was also restricted from his normal recreational activities, such as fishing and golfing. (McCormick dep., p. 6; Apx 30a). He continues to experience ankle pain and takes pain medication. (McCormick dep., p. 70, 72; Apx 46a).

ARGUMENT

I. Introduction.

This case presents this Court with the important question of how to properly interpret the Legislature’s chosen statutory language in MCL 500.3135(7), which defines the threshold for a “serious impairment of body function” as “an objectively manifested impairment of an important body function that **affects the person’s general ability to lead his or her normal life**” (emphasis added). It is the position of Amicus Curiae Michigan Association for Justice that this Court’s interpretation of the highlighted phrase in *Kreiner v Fisher* to mean that the injury must affect the “**course and trajectory**” of the person’s “**entire normal life**” was an improper judicial construction that inserted extra-statutory language into the serious impairment threshold.

The consequences of this Court’s judicial legislation in *Kreiner* has been far-reaching and has affected hundreds, if not thousands, of Michigan residents who have been seriously injured in automobile accidents since 2004. Amicus Curiae Michigan Association for Justice submits this brief for the purpose of bringing this Honorable Court’s attention to a few examples of how the *Kreiner* decision has denied justice to seriously injured persons and to examine a proper, statutory-based interpretation of the serious impairment threshold. Amicus Curiae Michigan Association for Justice asks this Court to reverse its decision in *Kreiner v Fisher* and apply the serious impairment threshold as written by the Legislature.

II. This Court's decision in *Kreiner v Fisher* has resulted in courts arbitrarily applying the statutory threshold to automobile accident victims.

Since this Court decided *Kreiner* in July 2004 through November 1, 2009, the Court of Appeals has issued 254 decisions applying *Kreiner*. All but five of these have cases resulted in unpublished per curiam opinions. The vast majority of those unpublished opinions have ruled in favor of the defendant on the grounds that the plaintiff failed to meet the "serious impairment" threshold of MCL 500.3135(7). Even if these number do not give this Court pause, a brief review of a few of these cases will demonstrate to this Court that the *Kreiner* standard is unworkable: it has resulted in persons with serious injuries being denied recovery (or at least an opportunity to demonstrate to a jury that they are entitled to recovery for their injuries). The following individuals suffered undisputed serious injuries yet were denied any recovery under the *Kreiner* standard.

In *Gagne v Schulte*, unpublished per curiam opinion of Court of Appeals, issued February 28, 2006 (Docket No 264788), the accident victim was a 21-year-old woman who was employed as a housekeeper. (Exhibit 1). She was seriously injured with a concussion, a torn anterior cruciate ligament (ACL), and a large "bucket handle" tear of the medial meniscus after a drunk driver hit her vehicle. *Gagne, supra* at 1 (O'Connell, PJ, dissenting). The plaintiff's knee injuries required major reconstructive arthroscopic surgery. *Id* (dissenting opinion). Plaintiff's ability to walk, kneel, twist, and turn were affected for one year after the accident. *Id* (dissenting opinion). In fact, the first few weeks after the accident, the plaintiff could barely move about with crutches and required help with tasks such as getting to the bathroom and bathtub. *Id* at 2 (dissenting opinion).

After surgery, the plaintiff in *Gagne* developed serious atrophy of her upper leg

muscles and knee joint instability, which required seven months of physical therapy and rehabilitation. *Id* at 2 (dissenting opinion). She was also restricted from bending, twisting, stooping or otherwise exerting her reconstructed knee. *Id* at 2 (dissenting opinion). According to plaintiff's knee surgeon, "even things like descending stairs are difficult for patients with quad atrophy, very difficult, and such that the knee will feel like it wants to buckle or give out, and at times it may, producing a higher chance of further injury." *Id* at 2 (dissenting opinion). More than 17 months after the accident, the plaintiff's physician continued to restrict her from work, and she eventually lost her job as a housekeeper because her knee injury prevented her from performing her job. *Id* at 2 (dissenting opinion). In addition, she was unable to engage in several pre-accident activities she once enjoyed, such as ice skating, rollerblading, gymnastics, and dancing. *Id* at 3 (dissenting opinion). Her physician further opined that her knee joint instability was likely permanent and that she was at an increased risk of developing osteoarthritis in the future as a result of the injuries she sustained in the auto accident. *Id* at 3 (dissenting opinion). The dissenting opinion in *Gagne* noted that "Plaintiff was only twenty-one years old at the time of the head-on collision and has been hobbled indefinitely by the torn ACL and meniscus it caused. The injury required major surgery to repair, and her knee will never be the same. " *Id* at 3 (dissenting opinion). Yet, the Court of Appeals affirmed the trial court's decision that the plaintiff's injury did not constitute a serious impairment of body function because "there is no evidence that this period of decreased function affected her life so extensively that it altered the trajectory or course of her entire normal life." *Gagne, supra* at 2 (majority opinion).

In *Cook v Hardy*, unpublished per curiam opinion of Court of Appeals, issued February 24, 2005 (Docket No 250727), *rev'd by* 474 Mich 1010 (2006), the plaintiff was a college student who sustained multiple acute fractures of both bones in her leg after an auto accident. *Cook, supra* at 1. (Exhibit 2). The impact of the accident was so forceful that it bent a titanium rod that had been permanently inserted into the plaintiff's right tibia for an earlier injury from which she had completely recovered. *Id* at 1. Prior to the auto accident, the plaintiff had been a very active student. *Id* at 2. She spent six to eight weeks in a hard cast and had to use crutches. *Id* at 2. Due to her injury, she was not able to participate in an independent study program, was disabled from work, and was forced to cancel a planned vacation. *Id* at 2-3. Once her cast was removed, she was unable to fully resume her daily pre-accident activities that required her to lift and carry lights and film equipment for her studies as a film student. *Id* at 2. She was also prevented from engaging in many of her pre-accident activities, such as skate boarding. *Id* at 2. In reversing the trial court's grant of summary disposition for defendant, the Court of Appeals recognized that the duration of the plaintiff's impairment was "relatively short – six to eight weeks – [but] in that time she could not work, attend school, or engage in any of her usual recreational activities..." *Id* at 2. However, this Court reversed and reinstated the trial court's decision because the plaintiff's injury did not constitute a serious impairment of body function. *Cook, supra* 474 Mich at 1010.

In *Karachy v Buuly*, unpublished per curiam opinion of Court of Appeals, issued June 21, 2005 (Docket No 261332), the plaintiff was a construction worker who suffered an avulsion fracture to his right tibia and a dislocated shoulder. *Karachy, supra* at 1. (Exhibit

3). The plaintiff underwent arthroscopic surgery on his leg and he was in a cast for six weeks. *Id* at 1. His shoulder was also immobilized with a sling during that time and so he was confined to a wheelchair because his shoulder injury prevented him from using crutches. *Id* at 1. Once the cast was removed, the plaintiff was forced to use crutches or a cane, underwent three months of physical therapy, and was off work for 14 weeks. *Id* at 1. His knee continued to “buckle” and “crack” during everyday activities. *Id* at 1-2. The injury also left him unable to participate in certain pre-accident recreational activities, such as running, playing soccer, and diving. *Id* at 2. While recognizing that this case presented a “close case,” the Court of Appeals affirmed the trial court’s decision that the plaintiff’s injuries did not constitute a serious impairment of body function because the plaintiff failed to show that “these injuries coupled with any residual effects affected a significant change in his normal life.” *Id* at 3.

In *May v Zalucha*, unpublished per curiam opinion of Court of Appeals, issued March 16, 2006 (Docket No 266733), the plaintiff was a thirty year old woman who sustained a herniated cervical spine disc and injuries to her right shoulder. *May, supra* at 1. (Exhibit 4). Her shoulder injury required arthroscopic surgery, immobilization, pain medication, and four months of physical therapy. *Id* at 1-2. The plaintiff was unable to work for seven months. *Id* at 1. Even after her treatment ended, she was unable to perform various domestic and recreational activities without pain. *Id* at 5. In affirming the trial court’s grant of summary disposition for the defendant, the Court of Appeals noted that 17 months after the accident she was not under any physician-imposed restrictions and that there are no activities that plaintiff “has been rendered completely unable to perform.” *Id* at 5

In *Kitchen v Soyka*, unpublished per curiam opinion of Court of Appeals, issued April 25, 2006 (Docket 26597), the plaintiff sustained injuries to her shoulder, neck, back, and jaw, and underwent surgery on her left *shoulder*. *Kitchen, supra* at 1. (Exhibit 5). The plaintiff was able to work only within the confines of physician-imposed lifting restrictions. *Id* at 2. Although she can perform household chores, it causes her pain and discomfort, as does work, play, and simple things like dressing and sleeping. *Id* at 2, 7-8. She was “unable to work for a little over year at her seasonal, low-wage, part-time employment at a greenhouse.” *Id* at 7. The Court of Appeals affirmed summary disposition because the plaintiff’s “alleged accident-caused impairments have not affected her general ability to conduct the course of her normal life.” *Id* at 8.

In *Henderson v Bond*, unpublished per curiam opinion of Court of Appeals, issued October 4, 2007 (Docket No 273210), the plaintiff suffered a right rotator cuff tight in her shoulder, which required surgery. *Henderson, supra* at 1. (Exhibit 6). Following surgery, the plaintiff wore a brace for four weeks and missed six weeks of work. *Id* at 1. She also underwent physical therapy for one year and continued to have residual impairment due to her shoulder injury. *Id* at 1, 3. She also noted that her ongoing restrictions were due to a limited range of motion or to pain. *Id* at 3. The Court of Appeals reversed the trial court’s denial of summary disposition because the plaintiff failed to show that the “course and trajectory of her normal life was affected by the relatively brief period of hospitalization and recuperation and the real, yet relatively minor residual effects from the accident.” *Id* at 4.

In *Wohlscheid v Raymer*, unpublished per curiam opinion of Court of Appeals, issued May 2, 2006 (Docket No 260033), the plaintiff was a sixty-three year old man who sustained

back and shoulder injuries. *Wohlscheid, supra* at 2-3. (Exhibit 7). Due to his injuries, he underwent arthroscopic surgery, had to use a shoulder immobilizer, and underwent physical therapy. *Id* at 3. The plaintiff was unable to work for nine months and lost his job in die repair and machine maintenance. *Id* at 2. Even once his medical treatment was complete, the plaintiff continued to have back pain which made certain household chores, such as shoveling snow, “extremely painful.” *Id* at 2. His pre-accident recreational activities, such as rollerblading, dancing, and exhibiting at craft shows were also curtailed after the accident. *Id* at 2. The Court of Appeals affirmed the trial court’s grant of summary disposition for the defendant. *Id* at 3.

In *Plaggemeyer v Lee*, unpublished per curiam opinion of Court of Appeals, issued May 12, 2009 (Docket No 284016), the plaintiff sustained a fractured left femur, which required surgery. *Plaggemeyer, supra* at 1. (Exhibit 8). Following surgery, the plaintiff used a walker for four weeks, used crutches for the next eight weeks, and then used a cane for another four to six weeks. *Id* at 1. The plaintiff returned to work after six weeks, but was restricted to sitting down. *Id* at 1. The plaintiff was able to resume unrestricted work 14 weeks after the accident. *Id* at 3. After the accident, the plaintiff was not able to engage in (or was restricted in carrying out) pre-accident activities, including yard work, home maintenance, camping, hiking, bicycling, and jogging. *Id* at 1. In affirming the trial court’s grant of summary disposition, the Court of Appeals pointed out that “[w]alking with assistance is not the same as being unable to walk at all.” *Id* at 3. *Plaggemeyer* is currently pending before this Court on application (Docket No 139101). This Court is holding

Plaggemeyer in abeyance pending its decision in the instant appeal.

In *Berishaj v Shkreli*, unpublished per curiam opinion of Court of Appeals, issued October 6, 2009 (Docket No 287079), the plaintiff sustained a soft tissue injury of her shin and probable hematoma. *Berishaj, supra* a 3. (Exhibit 9). These injuries impaired the plaintiff's ability to walk (forcing her to use a wheelchair, walker, and then a cane to ambulate) and her ability to move her neck, back and shoulder were also impaired. *Id* at 3. The plaintiff returned to work as program specialist 15 months after the accident. The Court of Appeals concluded that the plaintiff did not demonstrate a serious impairment based on her inability to walk, even though it affected her ability to work, due to this Court's holding in *Kreiner*. *Id* at 4.

All of these cases provide examples of undisputed serious injuries which often required surgical intervention and therapy, resulted in time off work, restricted the plaintiffs' pre-accident activities, and caused the plaintiffs significant pain. Yet none of these plaintiffs were able to surpass *Kreiner's* serious impairment threshold. Unfortunately, Rodney McCormick must also join this cast of injured persons who sustained serious injuries, yet were denied any recovery under the *Kreiner* standard. As described above in the Statement of Facts, McCormick suffered a crushed ankle, underwent two surgeries, and was off work for 19 months.

A standard that results in no recovery for these cases does not mesh with the Legislature's intent when it defined "serious impairment of body function" in MCL 500.3135(7).

III. The dissenting opinion in *Kreiner v Fisher* does not provide the appropriate vehicle for analyzing the statutory language of MCL 500.3135(7).

In the dissenting opinion to *Kreiner*, Justice Cavanagh explored the statutory meaning of the phrase “affects the person’s general ability to lead his or her normal life.” In doing so, Justice Cavanagh examined the definition of several terms found within that phrase, including the word “general.” According to the American Heritage Dictionary, the term “general” means:

1. Relating to, concerned with, or applicable to the whole or every member of a class or category.
2. Affecting or characteristic of the majority of those involved; prevalent: *a general discontent*.
3. Being usually the case; true or applicable in most instances but not all.
4. a. Not limited in scope, area, or application: *as a general rule*. b. Not limited to one class of things: *general studies*. [*Id.* (emphasis in original).]

Kreiner, supra at 143 (Cavanagh, J, dissenting). Without explanation, the dissenting opinion employed the second part of the definition found in the third term of the word “general”: “true or applicable in most instances but not all.” The dissenting opinion concluded that the Legislature required that “the impairment have an influence on most, but not all, of the person's capacity ‘to lead his or her normal life.’ ” *Id.* at 143.

While Amicus Curiae Michigan Association for Justice applauds the dissenting opinion’s critique of the *Kreiner* majority’s interpretation of Section 3135(7), it respectfully submits that interpreting the serious impairment threshold to mean that “the impairment have an influence on most, but not all, of the person's capacity ‘to lead his or her normal life’” does not lend any more clarity to the Legislature’s chosen words than did the majority’s interpretation in *Kreiner*. Employing a test that requires the impairment affect “most but not

all” of the person’s life is no different than the *Kreiner* test which requires that the injury “for the most part” affect the person’s life. *Cf Kreiner, supra* at 143 (dissenting opinion) with *Kreiner, supra* at 130 (majority opinion). Amicus Curiae Michigan Association for Justice respectfully asks this Court to examine the statutory construction argument contained in Plaintiff’s Brief (pp 12-35) and in Coalition Protecting Auto No-Fault’s Amicus Brief (pp 18-35).

In addition, Amicus Curiae Michigan Association for Justice respectfully request this Court review the discussion in Plaintiff’s Brief regarding the use of dictionaries (pp. 25-29). Plaintiff’s Brief and Amicus Curiae Michigan Association for Justice’s comments above tie in with the concerns raised by Justice Weaver in her dissenting opinion in *Jones v Olson*, 480 Mich 1169; 747 NW2d 250 (2008),

In reaching the conclusion that a plaintiff's "general ability" to lead his or her life is affected only if he or she is unable to "for the most part" lead a normal life, the *Kreiner* majority selectively chose one definition of "general" among the many definitions available. More importantly, the *Kreiner* majority exalted the chosen definition as the only possible definition to determine what "general ability" under MCL 500.3135 means; according to the *Kreiner* analysis, the Legislature could not have meant "general ability" to mean anything other than "for the most part."

Such an interpretation is faulty and unreasonable. The *Kreiner* majority did not consider, nor did it discuss, other definitions of "general," and the consequences of applying those definitions in interpreting MCL 500.3135. For example, the American Heritage Dictionary (2004) defines "general," among other things, as "not limited in scope, area, or application; Not limited to or dealing with one class of things; diversified." Under this definition, MCL 500.3135 can be interpreted to mean that a person's "general ability" to lead his or her life is affected if any part of the life is affected, without limitations in scope, area, or application. This interpretation is diametrically opposed to the *Kreiner* majority's interpretation of "general ability," and yet it derives from the same source: a dictionary definition of the word "general."

Jones, supra at 1175-1176 (Weaver, J, dissenting). These concerns about the selective use of dictionaries are particularly appropriate in light of the No-Fault Act, which specifically defines “serious impairment of body function” in MCL 500.3135(7). The need to resort to dictionaries to understand Legislature’s meaning she be alleviated by the Legislature’s decision to include a specific definition of the term “serious impairment of body function.”

IV. The Legislature’s enactment of MCL 500.3135(2) unconstitutionally displaces the fact-finder by allowing trial courts to decide fact issues as a matter of law.

In enacting Section 3135(2) of the No-Fault Act, the Legislature impermissibly took away the fact finding function from a jury and allowed the trial court to decide as a matter of law whether an auto accident victim has suffered a serious impairment of body function. Specifically, the Legislature stated in Section 3135(2) that

(a) The issues of whether an injured person has suffered serious impairment of body function or permanent serious disfigurement are questions of law for the court if the court finds either of the following:

(i) There is no factual dispute concerning the nature and extent of the person's injuries.

(ii) There is a factual dispute concerning the nature and extent of the person's injuries, but the dispute is not material to the determination as to whether the person has suffered a serious impairment of body function or permanent serious disfigurement. . .

MCL 500.3135(2)(a). By making the issue of serious impairment a question of law even when there is a factual dispute over the nature and extent of the person’s injuries, the Legislature supplanted the jury’s role in deciding whether there is a serious impairment.

This statutory provision directly conflicts with the court rules, which provides that factual disputes are to be decided by a fact finder, and not by the trial court as a matter of law. See MCR 2.116(C)(10).

Even this Court's decision in *Kreiner* implicitly recognizes that the question of "serious impairment" is fact intensive, as this Court set forth a "nonexhaustive list" of factors for the trial courts to evaluate in determining as a matter of law whether an auto accident victim had suffered a serious impairment. These factors include:

- (a) the nature and extent of the impairment, (b) the type and length of treatment required, (c) the duration of the impairment, (d) the extent of any residual impairment, and (e) the prognosis for eventual recovery [footnotes omitted].

Kreiner, supra at 133. In establishing these factors as the test for "serious impairment" under MCL 500.3135(7), even the *Kreiner* Court implicitly recognized that the serious impairment test is really a factual inquiry.

Amicus Curiae Michigan Association for Justice defers its argument on this issue to the arguments presented by Amicus Curiae Coalition Protecting Auto No-Fault (pp. 36-45) and by the forthcoming Amicus Brief of the State Bar of Michigan's Negligence Section. In sum, the Legislature cannot constitutionally through the enactment of Section 3135(2)(a) give trial judges greater power or different procedural tools to limit a litigant's right to jury trial by summary disposition. Therefore, trial judges who are asked to render summary disposition on the threshold issue of "serious impairment of body function" can only do so if summary disposition would otherwise be appropriate under MCR 2.116(C)(10) and the case law that has been decided under that court rule since its inception.

CONCLUSION

The Legislature clearly evinced its intent on the serious impairment threshold when it defined “serious impairment of body function” to mean “an objectively manifested impairment of an important body function that affects the person's general ability to lead his or her normal life.” MCL 500.3135(7). This Court’s insertion of extra-statutory requirements into this definition in the *Kreiner* decision has resulted in a travesty of justice for many auto accident victims who were unable to obtain any recovery for their serious injuries. In re-examining *Kreiner*, this Court should enforce the plain language of the statutory definition.

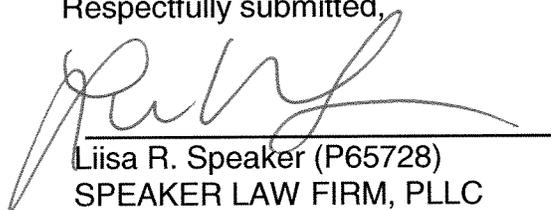
By the same token, the question of whether an injury has affected the auto accident victim’s “general ability to lead his or her normal life” is a fact-intensive inquiry which should often be left for a fact finder, rather than the trial court to decide as a matter of law. To the extent that the Legislature instructed trial courts to decide fact questions as a matter of law, this Court should hold that MCL 500.3135(2) unconstitutionally invades the province of the jury.

RELIEF REQUESTED

Amicus Curiae Michigan Association for Justice respectfully requests that this Honorable Court reverse the decision of the Court of Appeals and overrule its earlier decision in *Kreiner v Fisher*.

Respectfully submitted,

Dated: December 23, 2009



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I declare that the statements above are true to the best of my information, knowledge, and belief.

Respectfully submitted,

Dated: December 23, 2009



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