

STATE OF MICHIGAN
IN THE SUPREME COURT

DANIEL KEMP,
Plaintiff-Appellant,

Supreme Court No. 151719
Court of Appeals Case No. 319796
Wayne County Circuit Court
Case No. 13-008264- NF

vs.

FARM BUREAU GENERAL
INSURANCE COMPANY OF
MICHIGAN, a Michigan corporation,

Defendant-Appellee.

MARSHALL LASSER (P25573)
Marshall Lasser, P.C.
Attorney for Plaintiff-Appellant
Post Office Box 2579
Southfield, MI 48037
(248) 647-7722, Fax 647-1917
mlasserlaw@aol.com

MARK L. DOLIN (P45081)
VALERIE HENNING MOCK (P55572)
Kopka, Pinkus, Dolin & Eads, PLC
Attorneys for Defendant-Appellee
33533 W. Twelve Mile Rd., Suite 350
Farmington Hills, MI 48331-5611
(248) 324-2620, Fax 324-2610
mldolin@kopkalaw.com
vgcarter@kopkalaw.com

PLAINTIFF'S SUPPLEMENTAL AUTHORITY (MCR 7.312(I))

Walega v Walega, et al, COA 321721 (9/10/15), clashes with the decision of the Court of Appeal's majority in this case. Charles Walega crushed his leg using his pickup truck to move a gun safe. The court held that under this court's precedents, Walega's injury arose from the use of a motor vehicle "as a motor vehicle", as required by MCL 500.3105(1).

In this case, Kemp was injured removing from his pickup truck belongings which he had just transported. Under *Walega*, and under precedents of this court on which *Walega* relied, Kemp's injury arose from the transportational use of his vehicle, and thus from the use of a motor vehicle as a motor vehicle.

Kemp was not using the truck for "other purposes, e.g., as a housing facility of sorts, as an advertising display...as a foundation for construction equipment..." *Walega*, supra, quoting *McKenzie v Auto Club Ins Assn*, 458 Mich 214, 218 (1998). Kemp was not using his pickup as a storage shed for his belongings. He was using his pickup to transport his goods, like Mr. Walega.

Respectfully Submitted,

MARSHALL LASSER, P.C.
\s\ Marshall Lasser
Marshall Lasser (P25573)
Attorney for Plaintiff-Appellant
Post Office Box 2579
Southfield, MI 48037
(248) 647-7722
mlasserlaw@aol.com

Dated: September 30, 2015