

SUPREME COURT OF MICHIGAN

Dorothy Minter v. City of Grand Rapids and John Edward-Rheem
Wetzel

747 N.W.2d 229 (Mich. 2008) · No. 133988 · Decided April 25, 2008

SUMMARY

The Michigan Supreme Court, in lieu of granting leave to appeal, reversed part of the Court of Appeals judgment and reinstated the Kent Circuit Court's grant of summary disposition for the defendants. The majority adopted the Court of Appeals dissent's reasoning concerning serious impairment of body function and permanent serious disfigurement under Michigan's no-fault automobile insurance statute; separate opinions criticized the interpretation of MCL 500.3135 and the analysis of the plaintiff's injuries.

CASE DETAILS

COURT	Supreme Court of Michigan
WRITING FOR THE COURT	Per curiam; Chief Justice Taylor; Justice Corrigan; Justice Young; Justice Markman; Justice Cavanagh; Justice Weaver; Justice Kelly
JURISDICTION	Michigan
DECIDED	April 25, 2008
DOCKET	133988
DISPOSITION	reversed
PROCEDURAL POSTURE	The Michigan Supreme Court reconsidered the defendants' application for leave to appeal from the Court of Appeals' judgment and, in lieu of granting leave, reversed part of that judgment and reinstated the circuit court's grant of summary disposition to defendants.
STANDARD OF REVIEW	Review of the grant of summary disposition; the Supreme Court resolved the application for leave to appeal under MCR 7.302(G)(1).
PRECEDENTIAL VALUE	Published Michigan Supreme Court opinion
PARTIES	City of Grand Rapids, John Edward-Rheem Wetzel v. Dorothy Minter

TOPICS

- personal injury
- statutory interpretation
- appellate procedure
- standard of review
- torts

PRACTICE AREAS

Michigan automobile accident law

personal injury

summary disposition

QUESTIONS PRESENTED

1. Whether plaintiff's alleged closed head injury and facial scar satisfied the statutory threshold for recovery of noneconomic damages under MCL 500.3135.
2. Whether the circuit court properly granted defendants' motion for summary disposition as to plaintiff's claimed injuries.

HOLDINGS

1. The Court of Appeals erred by reversing the circuit court's grant of summary disposition regarding plaintiff's closed head injury and facial scar; the circuit court's judgment granting defendants summary disposition was reinstated.
2. The Michigan Supreme Court reversed in part the Court of Appeals' judgment and reinstated the Kent Circuit Court's judgment granting defendants' motion for summary disposition.

KEY QUOTATIONS

“In lieu of granting leave to appeal, we REVERSE in part the judgment of the Court of Appeals, for the reasons stated in the Court of Appeals dissenting opinion, and we REINSTATE the judgment of the Kent Circuit Court granting the defendants' motion for summary disposition.” (229)

“By importing the concept of permanency of injury into MCL 500.3135 — a concept that is nowhere referenced in the text of the statute — the majority of four, in Kreiner, actively and judicially legislated a permanency and temporal requirement to recover noneconomic damages in automobile accident cases.” (230)

FACTUAL BACKGROUND

Dorothy Minter was injured in an automobile accident and alleged a broken toe, cervical strain, closed head injury, and facial scar. The lower courts considered whether her injuries satisfied Michigan's statutory threshold for noneconomic damages, including serious impairment of body function and permanent serious disfigurement. The record described Minter as an elderly woman who already received Social Security disability benefits, needed family assistance with household chores, and did not drive before the accident.

PROCEDURAL HISTORY

The Kent Circuit Court granted defendants' motion for summary disposition. The Court of Appeals affirmed the ruling as to plaintiff's broken toe and cervical strain but reversed as to her closed head injury and facial scar. The Michigan Supreme Court reversed that portion of the Court of Appeals' judgment and reinstated the circuit court's judgment granting defendants summary disposition.

DISPOSITION

reversed

CASES CITED

- Kreiner v. Fischer, 471 Mich. 109, 683 N.W.2d 611 (2004)
- Jones v. Olson, 747 N.W.2d 250 (Mich. 2008), 2008 WL 1851281

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