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STATE OF MICHIGAN
COURT OF APPEALS

DANA HENSLEY,

Plaintiff-Appellant,

v

AUTO CLUB GROUP INSURANCE COMPANY,

Defendant-Appellee.

UNPUBLISHED

October 14, 2021

No. 353205

Wayne Circuit Court

LC No. 19-003411-NI

Before: SWARTZLE, P.J., and CAVANAGH and GADOLA, JJ.

SWARTZLE, P.J. (*concurring*).

I concur with the majority’s decision to affirm summary disposition in favor of defendant. I write separately simply to point out that I would apply this Court’s “raise-or-waive” jurisprudence to plaintiff’s claim on appeal, rather than plain-error analysis. Plaintiff failed to file any response to defendant’s motion for summary disposition, and he only raised his argument regarding the police report in his motion for reconsideration. Given this, plaintiff has waived the argument on appeal. *Dep’t of Environmental Quality v Morley*, 314 Mich App 306, 316; 885 NW2d 892 (2015). And, for reasons similar to those noted by the majority in its plain-error analysis, this case does not present the type of exceptional circumstance warranting relief from our waiver rule. *Napier v Jacobs*, 429 Mich 222, 233; 414 NW2d 862 (1987).

/s/ Brock A. Swartzle