

S T A T E O F M I C H I G A N
C O U R T O F A P P E A L S

ROSIE L. SUMMERS and BARBARA J. STIGALL,
Plaintiffs-Appellees,

v

LEE MABEL,

Docket No. 87011

Defendant-Appellant,

and

CITY OF DETROIT,

Defendant.

BEFORE: Maher, P.J., and Shepherd and G. S. Allen, Jr.*, JJ.
PER CURIAM

Defendant appeals by leave granted from an August 1, 1985 order of the Wayne County Circuit Court denying defendant's motion for summary disposition. The trial court ruled that plaintiff Rosie L. Summers did, as a matter of law, meet the threshold for serious impairment of body function under Michigan's no-fault law, MCL 500.3135; MSA 24.13135. With respect to plaintiff Barbara J. Stigall, the court ruled defendant's motion was denied without prejudice.

The court below reviewed this matter under the rules of Cassidy v McGovern, 415 Mich 483; 330 NW2d 22 (1982), reh den 417 Mich 1104 (1983). On December 23, 1986, our Supreme Court issued its opinion in DiFranco v Pickard, ___ Mich ___ (No. 74692, decided December 23, 1986). We vacate the orders denying summary disposition issued by the court below and remand for further proceedings in conformity with DiFranco. We do not retain jurisdiction. No costs.

* Former Court of Appeals Judge sitting on Court of Appeals by assignment.

/s/ Richard M. Maher
/s/ John H. Shepherd
/s/ Glenn S. Allen, Jr.