

STATE OF MICHIGAN

IN THE 23RD JUDICIAL DISTRICT COURT - CITY OF TAYLOR

MAUREEN MILLER,

Plaintiff,

-vs-

CASE NO. 87-4710-CZ

CHARLES R. GARDNER, JR., CHARLES  
R. GARDNER, SR., and THOMAS ALAN  
GARDNER,

Defendants.

OPINION AND ORDER

At a session of said Court held in the 23rd  
Judicial District Civil Court located at  
23511 Goddard Road, Taylor, Michigan.

Present: Honorable WILLIAM J. SUTHERLAND  
District Court Judge

This matter was brought before this Court pursuant to motions filed for Summary Disposition by Plaintiff and Defendants. For purposes of this motion the parties have stipulated to the facts, to wit:

\* Defendants, CHARLES GARDNER, JR. and CHARLES GARDNER, SR., were the owners of a 1982 Pontiac automobile that was driven by Defendant THOMAS A. GARDNER.

\* Plaintiff, MAUREEN MILLER, was operating a 1975 Mercury automobile.

\* The Defendants' vehicle struck the rear of Plaintiff's vehicle causing considerable damage.

\* The Defendant's negligence caused the subject accident.

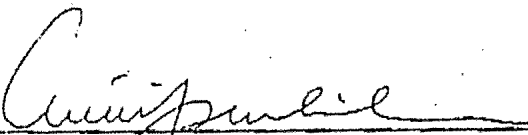
\* Plaintiff's vehicle was uninsured, in violation of MCLA 500.3102.

\* Plaintiff is suing for property damage to her vehicle under MCLA 500.3135(2)(d).

The Court was furnished an opinion filed by Judge S.J. Elden, 15th District Court, in the case of Judith Ann Franklin v Christine Alice Jenkins (see attached) decided July 7, 1981 and I concur in his decision that the requirement of maintaining "no-fault" insurance is a prerequisite to recovery under MCLA 500.3135.

IT IS HEREBY ORDERED that Plaintiff's Motion for Summary Disposition is denied.

IT IS HEREBY FURTHER ORDERED that Defendants' Motion For Disposition is granted and Plaintiff's Complaint is dismissed for no cause of action.

  
WILLIAM J. SUTHERLAND  
District Court Judge  
23rd Judicial District Court

Dated: June 26, 1987