

STATE OF MICHIGAN
COURT OF APPEALS

LISSA MCCLELLAND,

Plaintiff-Appellant,

v

No. 99676

DANIEL BOUGHTON,

Defendant-Appellee.

BEFORE: E.A. Weaver, P.J., G.R. McDonald and W.R. Peterson*, JJ.

PER CURIAM

Plaintiff appeals as of right from a March 24, 1987, order granting defendant's motion for summary disposition on plaintiff's no-fault personal injury claim.

In her complaint, filed on September 5, 1985, plaintiff stated that she sustained a serious impairment of body function under the terms of Michigan's no-fault act, MCL 500.3135(1); MSA 24.13135(2). On October 10, 1986, defendant filed a motion for summary disposition on the issue of serious impairment of a body function. A hearing on the motion was held on October 17, 1986. The trial court granted defendant's motion pursuant to Cassidy v McGovern, 415 Mich 483; 330 NW2d 22 (1982). An order granting defendant's motion was entered on March 24, 1987.

On appeal plaintiff claims that a remand for reconsideration of defendant's motion in light of DiFranco v Pickard, 427 Mich 32; 398 NW2d 896 (1986) is required. We agree.

In DiFranco, supra, the Supreme Court reexamined § 3135(1) of Michigan's no-fault insurance law and significantly altered the rules for serious impairment claims that were previously articulated in Cassidy, supra. The Court's decision in DiFranco is to apply to all cases in which summary disposition is entered after the date DiFranco was decided, December 23, 1986. Thus, because summary disposition in the instant case was entered March 24, 1987, after DiFranco was decided, we remand to

*Circuit judge, sitting on the Court of Appeals by assignment.

the trial court for reconsideration of defendant's motion pursuant to the rules announced in Difranco, supra.

Reversed and remanded.

/s/ Elizabeth A. Weaver
/s/ Gary R. McDonald
/s/ William R. Peterson