

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

KAYANNE CAROLLO,

Plaintiff-Appellant,

v

No. 91725

EVA MATSON,

Defendant-Appellee.

Before: Allen, P.J., Cynar and R.C. Livo,* JJ.

PER CURIAM

Plaintiff appeals from an order granting defendant's motion for summary disposition on the basis that plaintiff had not suffered a serious impairment of a body function.

On May 16, 1983, plaintiff's automobile was hit from the rear while she was waiting at a traffic light. Plaintiff's head was snapped forward and back as a result of the initial impact and from being pushed into the vehicle in front of her. Although substantial damage had been done to plaintiff's car she did not go to the hospital immediately, because she did not believe she was injured. Plaintiff's neck became sore that evening and within a few days she could not move her head without severe pain. On June 19, 1984, after treatment by two medical doctors and a chiropractor, plaintiff was still feeling pain in her neck, and she filed a complaint against defendant claiming a serious impairment of a body function due to defendant's negligent driving.

On March 30, 1986, the trial court granted defendant's summary disposition motion, holding that although plaintiff's injury impaired an important body function, the injury was neither serious nor objectively manifested. Plaintiff appeals, claiming her injury seriously impairs her ability to live a normal life.

*Circuit Judge sitting on the Court of Appeals by assignment.

Whether a person has suffered a serious impairment of a body function must be decided on a case-by-case basis. Cassidy v McGovern, 415 Mich 483, 503; 330 NW2d 22 (1982), reh den 417 Mich 1104 (1983). A few standards have evolved to assist the courts in determining the requisite threshold. First, "impairment of a body function" actually means impairment of an important body function. Cassidy, 504. Second, by its own terms, the statute requires that the impairment be serious. MCL 500.3135(1); MSA 24.13135(1). Third, the impairment must be objectively manifested. Williams v Payne, 131 Mich App 403, 409-410; 346 NW2d 564 (1984).

We agree with the trial court that the injury was not serious enough to meet the threshold requirement. When considering the seriousness of the injury a court should be mindful of the other threshold requirements for recovery of noneconomic loss: death and permanent serious disfigurement. Cassidy, supra, 503. Plaintiff has suffered a mild soft tissue injury of the neck which prevents any quick movements of the head. The ability to freely and quickly turn the head is an important body function, however, plaintiff's injury has not seriously interfered with a normal lifestyle. Plaintiff is able to move her neck up and down and from side to side, as long as she does not do so quickly. She is able to work as a real estate agent, and although she can no longer attend her exercise class, she can assist in the house cleaning and yard work. Her testimony that she can no longer ride comfortably for long periods in the car or move her head quickly while driving does not amount to a serious impairment of a body function.

Affirmed.

/s/ Glenn S. Allen, Jr.
/s/ Walter P. Cynar
/s/ Robert C. Livo