

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

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PATRICIA CAMPBELL, next friend of  
KENNETH R. TUTTLE, II, a minor,

Plaintiff,

and

STATE FARM MUTUAL AUTOMOBILE  
INSURANCE COMPANY,

Intervening Plaintiff-  
Appellee,

v

No. 114416

STATE AUTOMOBILE MUTUAL INSURANCE  
COMPANY,

Defendant-Appellant,

and

ROBERT LEASK and MICHAEL LEASK,

Defendants.

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Before: Weaver, P.J., and Gillis and Cavanagh, JJ.

PER CURIAM.

State Automobile Mutual Insurance Company (Mutual) appeals as of right from a trial court judgment ordering it to reimburse State Farm Mutual Automobile Insurance Company (State Farm) for no-fault personal protection benefits State Farm had paid to plaintiff under the assigned claims plan. We affirm.

Upon a review of the record and briefs, we find that the trial court's findings of fact regarding causation were not clearly erroneous. MCR 2.613(C); Rozier v Dep't of Public Health, 161 Mich App 591, 600; 411 NW2d 786 (1987), lv den 430 Mich 860 (1988). The trial court's findings were not conjecture, but were the result of reasonable inference based upon the evidence and pointing to State Farm's theory of causation as more probable under the circumstances. Kaminski v Grand Trunk W R Co, 347 Mich 417, 422, 427; 79 NW2d 899 (1956). Accordingly, the

trial court did not err in finding that Kenneth Tuttle's injuries arose out of the ownership, operation or use of a motor vehicle as a motor vehicle. MCL 500.3105(1); MSA 24.13105(1); Kochoian v Allstate Ins Co, 168 Mich App 1, 6; 423 NW2d 913 (1988). Moreover, we do not believe that this case involves impermissible pyramiding of inferences.

Affirmed.

/s/ Elizabeth A. Weaver  
/s/ John H. Gillis  
/s/ Mark J. Cavanagh