

STATE OF MICHIGAN  
IN THE CIRCUIT COURT FOR THE COUNTY OF MARQUETTE

PAUL RONALD BERG,

Plaintiff,

v

FILE NO. 90-24588-CZ

HASTINGS MUTUAL INSURANCE COMPANY,  
a Michigan insurance corporation,

Defendant.

OPINION AND ORDER ON  
MOTION FOR SUMMARY  
DISPOSITION

At a session of the said  
Court held in the City of  
Marquette on this 9th day  
of January, 1991.

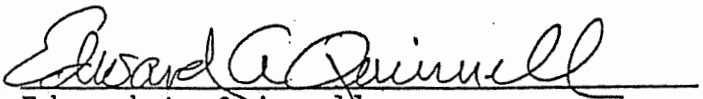
PRESENT: THE HONORABLE EDWARD A. QUINNELL, CIRCUIT JUDGE.

In this PIP case, plaintiff has filed a motion for summary disposition seeking a determination that he is entitled to three different kinds of benefits, and further asserting that either there is no dispute as to any material fact, or that the defendant has not asserted a valid defense as to those benefits.

The motion is GRANTED as to the expenses of the guardianship as claimed by plaintiff. There appears to be no dispute as to the reasonableness of the amounts claimed, and as to necessity, I interpret MSA 24.13107; MCL 500.3107 as allowing such expenses for the reasonable "care" of the injured person.

The motion is DENIED as to the bonus for 1989 and the claim by plaintiff's mother for care she rendered to the plaintiff while the plaintiff was hospitalized. As to the bonus;

there are significant factual uncertainties as to the amount which might have been paid had the plaintiff continued to work, and given the familial relationship between plaintiff and his employer-father, plaintiff would have to establish for a jury that the bonus represents income which plaintiff would have received for work he would have performed. This is classic factual issue; Lewis v DAIIE, 90 Mich App 251 (1979). As to the claim by the mother, although Dr. Coyne's affidavit establishes that her presence during part of the time was an essential part of his rehabilitation, further factual development is needed as to the value of those services as well as the necessity for their being performed by plaintiff's mother as distinct from some other person.

  
Edward A. Quinnell  
Circuit Judge

xc: Brian D. Sheridan ✓  
William R. Smith

Date of mailing: 1-10-91