

STATE OF MICHIGAN
COURT OF APPEALS

INA RUTH MARTINICO,

Plaintiff-Appellant,

v

ALLSTATE INSURANCE COMPANY,

Defendant-Appellee.

November 6, 1991

No. 139085

Before: Gillis, P.J., and Michael J. Kelly and Gribbs, JJ.

PER CURIAM.

Plaintiff appeals by right from the circuit court order granting defendant's motion for summary disposition. MCR 2.116(C)(10). We affirm.

On October 13, 1988, plaintiff was involved in an automobile accident and suffered bone fractures in her lower back. Defendant, plaintiff's automobile insurance carrier, was obligated to pay plaintiff's medical expenses pursuant to the no-fault insurance act, MCL 500.3101 et seq; MSA 24.13101 et seq.

In March 1989, Dr. Kent E. Anderson indicated that plaintiff's prognosis was good and that there was no evidence of neurological deficit. In May 1989, neurosurgeon Dr. Robert Gruesen indicated that there was no neurological deficit and that plaintiff should stop all treatment. In July 1989, Dr. Lester Owens indicated that plaintiff's fractures were fully healed.

After receiving Dr. Owens' report, defendant informed plaintiff that it would not pay any expenses incurred after July 31, 1989.

In October 1989, on recommendation of her chiropractor, plaintiff visited the Mayo Clinic in Rochester, Minnesota. Defendant refused to pay for plaintiff's medical expenses at the Mayo Clinic and plaintiff filed suit. The circuit court granted defendant's motion for summary disposition, finding that the expenses incurred after July 31, 1989, were not reasonably necessary and that no material factual dispute existed. We agree.

Three physicians examined plaintiff and found that her lower back fractures had healed. Significantly, the Mayo Clinic rendered no treatment and made no recommendations. Plaintiff has not born the burden of proving that the medical expenses incurred at Mayo Clinic were reasonably necessary. Nasser v Automobile Club Ins Ass'n, 435 Mich 33, 49-50; 457 NW2d 637 (1990). The circuit Court did not err in concluding that no record could be developed which would leave open an issue upon which reasonable minds could differ. Amorello v Monsanto Corp, 186 Mich App 324, 330; 463 NW2d 487 (1990).

Affirmed.

/s/ John H. Gillis
/s/ Michael J. Kelly
/s/ Roman S. Gribbs