

STATE OF MICHIGAN
COURT OF APPEALS

MICHAEL E. ROEBUCK,

Plaintiff-Appellant,

v

SCOTT A. FIZZELL and
CLIFFORD McQUISTON,

Defendants-Appellees.

UNPUBLISHED
February 8, 1995

No. 157705
LC No. 91-044276-NI

Before: Sawyer, P.J., and Bandstra and R.B. Burns,* JJ.

PER CURIAM.

Plaintiff appeals from an order of the circuit court granting summary disposition in favor of defendants on plaintiff's claim arising out of an automobile accident. We affirm.

Plaintiff was injured while a passenger in a vehicle driven by defendant Fizzell and owned by defendant McQuiston when the vehicle struck a tree. Plaintiff brought the instant action alleging a serious impairment of body function. The trial court granted summary disposition in favor of defendants, concluding that while plaintiff did suffer an impairment of body function, reasonable minds could not differ that the impairment was not serious.

The question whether there is a serious impairment of body function must be submitted to the trier of fact whenever the evidence, viewed in the light most favorable to the nonmoving party, is such that reasonable minds could differ as to the answer. DiFranco v Pickard, 427 Mich 32, 69; 398 NW2d 896 (1986). In the case at bar, plaintiff has presented little evidence of the nature and extent of his injuries or the impact of those injuries on his ability to lead a normal life. The trial court explained in detail in its written opinion why plaintiff's evidence is inadequate to establish a genuine issue of material fact on the question whether the impairment suffered by plaintiff as a result of the motor vehicle accident was serious. We need not reiterate at length those factors. We do note, however, that plaintiff was only hospitalized for three days as a result of the accident, was restricted from work for only one month following discharge from the hospital, and was given no specific course of treatment following discharge other than to follow up with his own physician as needed.

With respect to the latter point, plaintiff visited his personal physician exactly once, approximately one week after discharge from the hospital, with complaints concerning headaches, limited amnesia concerning the accident itself, and sleeping problems. It does not appear that his physician prescribed any medication or other course of treatment. A referral was made thereafter to a neurologist, who examined plaintiff on one occasion approximately one month after the accident. The neurologist report concluded that plaintiff's presenting complaints were not significant because his headaches were better and his mental abilities also appeared to have improved. The neurologist noted no difficulties beyond the aforementioned limited amnesia. In fact, the neurologist concluded that plaintiff's overall mental status was not significantly compromised. In short, the neurologist concluded

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

that plaintiff had suffered a closed head injury, but that he was "recovering nicely from this." Plaintiff did not thereafter seek additional treatment for injuries sustained in the accident.

For the above reasons, we conclude that the trial court correctly determined that while plaintiff had suffered an impairment of body function, reasonable minds cannot differ that the impairment was not serious. Therefore, the trial court correctly granted summary disposition in favor of defendants.

Affirmed. Defendants may tax costs.

/s/ David H. Sawyer
/s/ Richard A. Bandstra
/s/ Robert B. Burns