

MAY 17 1987

STATE OF MICHIGAN
COURT OF APPEALS

SAUNDRA TOMES and DENNIS TOMES,

Plaintiffs-Appellants,

APR 16 1987

v

DAN L. WISHART and
KENNETH SMITH, INC., a Michigan
corporation, jointly and severally,

Docket No. 89486

Defendants-Appellees,

BEFORE: Maher, P.J., and Shepherd and G. S. Allen, Jr.*, JJ.

PER CURIAM

Plaintiffs appeal of right from an November 26, 1985 order of the Wayne County Circuit Court ^(granting?) denying defendants' motion for summary disposition. The trial court ruled that Sandra Tomes' injuries did not meet the threshold for serious impairment of body function under Michigan's no-fault law, MCL 500.3135; MSA 24.13135. Dennis Tomes' consortium claim was also disposed of summarily. Plaintiffs appeal of right.

The court below reviewed this matter under the rules of Cassidy v McGovern, 415 Mich 483; 330 NW2d 22 (1982), reh den 417 Mich 1104 (1983). On December 23, 1986, our Supreme Court issued its opinion in DiFranco v Pickard, ____ Mich ____ (No. 74692, decided December 23, 1986). We vacate the orders ^(granting?) (denying) summary disposition issued by the court below and remand for further proceedings in conformity with DiFranco. We do not retain jurisdiction. No costs.

* Former Court of Appeals Judge sitting on Court of Appeals by assignment.

/s/ Richard M. Maher
/s/ John H. Shepherd
/s/ Glenn S. Allen, Jr.