

MAY 17 1987

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

CAROL MARIE FINNIGAN, as Next Friend of
JEFFREY FINNIGAN,

APR 14 1987

Plaintiff-Appellant,

v

No. 91757

MICHELE MARIE FINNIGAN, ANGELA NOELLE
MYSZENSKI and THOMAS MYSZENSKI,

Defendants-Appellees.

BEFORE: D. E. Holbrook, Jr., P.J., and J. H. Gillis and
C. W. Simon*, JJ.

PER CURIAM

Plaintiff appeals by right the order of summary disposition entered in defendants' favor pursuant to MCR 2.116(C)(10) on the basis that the scar Jeffrey Finnigan received as a result of an automobile injury did not constitute a serious permanent disfigurement under MCL 500.3135; MSA 24.1315; Cassidy v McGovern, 415 Mich 483; 330 NW2d 22 (1982), reh den 417 Mich 1104 (1983); and Kosack v Moore, 144 Mich App 485; 375 NW2d 742 (1985).

It is noted that the decision and order appealed from in this case was dated April 2, 1986 and that this matter was pending on appeal on December 23, 1986 when the Supreme Court's decision in DiFranco v Picard, 427 Mich 32; ___ NW2d ___ (1986), was released. DiFranco casts a new light on serious impairment of body function cases. In view of the fact that panels of this Court followed the

Remanded. We do not retain jurisdiction. No costs.

/s/ D. E. Holbrook, Jr.
/s/ J. H. Gillis
/s/ C. W. Simon