

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

BONITA J. HUFF,

Plaintiff-Appellant,

MAY 1 1987

v

MICHELINA ELIZABETH HARDCASTLE
and TODD EARL ELY,
Jointly and Severally,

Docket No. 91292

Defendants-Appellees.

BEFORE: D.E.Holbrook, Jr., P.J., and G.S.Allen, Jr. and
P.L.Clulo*, JJ.

PER CURIAM

On April 29, 1983, plaintiff's automobile collided with the automobile of defendant Michelina Elizabeth Hardcastle and, as a result, plaintiff was allegedly injured. On March 16, 1984, plaintiff was a passenger in a vehicle which was rear-ended by defendant Todd Earl Ely's vehicle. Plaintiff suffered additional injuries. Plaintiff filed suit for non-economic damages against both defendants and claimed that she suffered a serious impairment of body function as the result of both accidents. From a March 7, 1986, order holding that no serious impairment of body function existed as a matter of law, plaintiff appeals as 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). We believe the trial court ruled correctly

in DiFranco v Pickard, ____ Mich ____ (1986) (No. 74692) substantially changed the Cassidy guidelines. Because the instant appeal was still pending when DiFranco was decided, the trial court should be given the opportunity to apply the DiFranco standard.

Accordingly, the order of March 7, 1986, is vacated and the case is remanded to the trial court for further proceedings in conformity with DiFranco. We do not retain jurisdiction. MCR 7.216(A)(7). No costs.

/s/ Donald E. Holbrook, Jr.
/s/ Glenn S. Allen, Jr.
/s/ Paul L. Clulo