

STATE OF MICHIGAN  
COURT OF APPEALS

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CONNIE HOLMAN,  
Plaintiff-Appellant,

UNPUBLISHED  
October 3, 1995

v

JODY PRIOR,  
Defendant-Appellee.

No. 173237  
LC No. 92-079179-NI

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Before: Griffin, P.J., and Sawyer and C. D. Corwin, \* JJ.

PER CURIAM.

Plaintiff appeals as of right an order granting summary disposition in favor of defendant in this personal injury action. We reverse.

Plaintiff sustained head, neck, and wrist injuries in an automobile accident that occurred on April 15, 1992. It was thereafter determined that plaintiff sustained a hairline fracture to her wrist. Plaintiff's physician applied a plaster cast to treat the fracture. After the cast was removed, plaintiff's wrist was immobilized with an elastic splint. On the advice of her physician, plaintiff did not return to her job as a typist until the splint was removed in December 1992.

Plaintiff brought suit against defendant to recover noneconomic damages for the personal injuries she sustained in the accident. Plaintiff alleged that the hairline fracture to her wrist was a serious impairment of a bodily function that occurred during the accident. The trial court granted defendant's motion for summary disposition pursuant to MCR 2.116(C)(10), however, on the ground that plaintiff's wrist injury could not constitute the serious impairment of a body function. Plaintiff argues on appeal that the trial court erred in granting defendant's motion for summary disposition. We agree.

The no-fault automobile insurance act has abolished tort liability for noneconomic damages except in cases where the accident results in "death, serious impairment of body function, or permanent serious disfigurement." MCL 500.3135(1); MSA 24.13135(1). In DiFranco v Pickard, 427 Mich 32; 398 NW2d 896 (1986), our Supreme Court held that the question of whether plaintiff suffered a serious impairment of a body function must be submitted to the trier of fact whenever the evidence is such that, when viewed in a light most favorable to plaintiff, "reasonable minds can differ as to whether the plaintiff suffered a serious impairment of body function. . . ." Id. at 38, 58, and 69; see Beasley v Washington, 169 Mich App 650, 659; 427 NW2d 177 (1988). Whether an injury is "serious" is a question for the trier of fact in all but the most extreme cases. Petaja v Guck, 178 Mich App 577, 579; 444 NW2d 209 (1989). In determining whether the case is of this extreme variety, the trial court must consider the particular body function impaired, the length of time the impairment lasted, the treatment required to correct the impairment, and other relevant factors. DiFranco, supra at 69-70.

Applying this standard to the present case, we agree with plaintiff that the trial court erred in granting defendant's motion for summary disposition. Viewing the evidence in a light most favorable to

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

plaintiff, reasonable minds could conclude that the wrist fracture that led plaintiff's physician to advise that plaintiff miss eight months of work was a serious impairment of a body function. Accordingly, we find that the trial court erred in granting summary disposition in defendant's favor.

Reversed.

/s/ Richard Allen Griffin  
/s/ David H. Sawyer  
/s/ Charles D. Corwin