

STATE OF MICHIGAN  
COURT OF APPEALS

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BRENDA MORENO, Next Friend of  
CLIFTON MAJORS, a minor,

Plaintiff-Appellant,

v

FARMERS INSURANCE EXCHANGE,

Defendant-Appellee.

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UNPUBLISHED  
October 10, 1995

No. 175549  
LC No. 93-305-NF

Before: Neff, P.J., and McDonald and C. A. Nelson\*, JJ.

PER CURIAM.

Plaintiff appeals as of right from an April 28, 1994, order granting defendant's motion for summary disposition pursuant to MCR 2.116(C)(10) in this action for first party no fault benefits. We reverse.

Plaintiff, Clifton Majors, a minor, suffered a skull fracture when he was struck by a piece of concrete that was thrown at a vehicle in which he was a passenger. After defendant denied coverage, plaintiff filed the instant action seeking no fault benefits. The trial court granted defendant's motion for summary disposition finding there was no genuine issue of material fact and that plaintiff's injuries did not arise out of the ownership, operation, maintenance or use of the motor vehicle as a motor vehicle. Plaintiff appeals claiming the court erred. We agree.

Past precedent, undisturbed by our Supreme Court's recent opinion in Bourne v Farmers Ins Exchange, 449 Mich 193; \_\_\_ NW2d \_\_\_ (1995), indicates assaults consisting of the propelling of an object at a motor vehicle where the assault is perpetrated against the vehicle and not any particular occupant, is a risk foreseeably identifiable with the normal use of a vehicle and thus subject to no fault coverage. Mann v Detroit Automobile Inter-Ins Exchange, 111 Mich App 637; 314 NW2d 719 (1981); Saunders v Detroit Automobile Inter-Ins Exchange, 123 Mich App 570; 332 NW2d 613 (1983); Marzonie v Auto Club Ins Ass'n, 441 Mich 522; 495 NW2d 788 (1982). Considering all evidence presented in a light most favorable to plaintiff, Ratke v Everett, 442 Mich 368; 501 NW2d 155 (1993), the trial court erred in granting summary disposition.

Reversed.

/s/Janet T. Neff  
/s/Gary R. McDonald  
/s/Charles A. Nelson