

STATE OF MICHIGAN
COURT OF APPEALS

ALYCE VAHLBUSH, Personal Representative of the
Estate of BRYAN VAHLBUSCH, Deceased,

UNPUBLISHED

Plaintiff-Appellee,

v

No. 188240

Genesee Circuit

ALLSTATE INSURANCE COMPANY,

LC No. 93-025417-CK

Defendant-Appellant.

Before: Holbrook, Jr., P.J. and White and R. J. Danhof,* JJ.

White, J. (dissenting)

Plaintiff's decedent died when the rear door of the camper-topper installed on his pick-up truck was closed, leading to his asphyxiation due to fumes from a propane heater. Flatbeds of pickup trucks are often covered by camper-toppers. Sleeping in the covered bed of such a truck while on a hunting or camping trip, or traveling cross-country, is a normal and foreseeable use of such a vehicle. While the instant case involves a pickup truck rather than a camper, I do not find this fact to sufficiently distinguish this case from *McKenzie v Auto Club Ins Ass'n*, 211 Mich App 659, 662; 536 NW2d 301 (1995); *Koole v Michigan Mutual Ins Co*, 126 Mich App 483; 337 NW2d 369 (1983) and *Engwis v Michigan Mutual Ins Co*, 181 Mich App 16, 20; 448 NW2d 731 (1989) to warrant reversal.

I would affirm.

/s/ Helene N. White

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