

STATE OF MICHIGAN
COURT OF APPEALS

DENNIS GREEN and PATRICIA GREEN,

Plaintiffs/Appellees/Cross-Appellants,

FARM BUREAU MUTUAL INSURANCE
COMPANY OF MICHIGAN,

Defendant/Appellant/Cross-Appellee.

UNPUBLISHED

May 11, 1999

No. 205135

Ionia Circuit Court

LC No. 95-016378 CK

Before: Markman, P.J., and Griffin and Jansen, JJ.

MARKMAN, J. (*concurring*).

Because the principal matter before this Court is review of the trial court's denial of defendant's motion JNOV, and because there is sufficient evidence to sustain the jury's decision, I join in the majority's opinion both in regard to the appeal and the cross-appeal. Although I share much of defendant's skepticism about the facts set forth by plaintiffs, ultimately I cannot agree that such facts are properly characterized (as defendant suggests) as an "impossibility." However reasonable defendant's version of events, plaintiffs' version is not so unreasonable as to warrant this Court's reversal of the jury's decision and the trial court's order. Similarly, while plaintiffs' misstatements as to the existence and value of certain insured items do not engender greater confidence in the accuracy of their rendition of events, I am unable to conclude that these are irreconcilable and that the jury could not have reasonably reached the conclusions which it did.

Finally, while I believe that the trial court would have been better advised to have allowed the 'net worth' analysis of defendant's expert, Mark Stephanic, under the particular circumstances of this case, I am also unable to conclude that such exclusion represented an abuse of discretion and that there is a reasonable likelihood that the results of this case would have been altered had such an abuse of discretion not occurred.

/s/ Stephen J. Markman