

STATE OF MICHIGAN
COURT OF APPEALS

JOHN V. EDWARDS and SHERRY EDWARDS,

Plaintiffs-Appellants,

v

MARY KIRWAN,

Defendant-Appellee.

UNPUBLISHED

August 20, 1999

No. 202693

Wayne Circuit Court

LC No. 96-604285 NI

Before: White, P.J., and Markey and Wilder, JJ.

MEMORANDUM.

Plaintiffs appeal by right from the trial court's order granting defendant's motion for summary disposition in this automobile negligence case on the basis of the so-called "firefighter's rule," while denying, without prejudice, defendant's motion for summary disposition based upon the serious impairment requirement. We reverse and remand. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Recently, the Michigan Supreme Court has held that the firefighter's rule does not bar recovery for injuries sustained by volunteer safety officers who are uncompensated for their efforts. *Roberts v Vaughn*, 459 Mich 282; 587 NW2d 249 (1998). Here, it is undisputed that plaintiff John V. Edwards received no monetary compensation for his activities as a volunteer auxiliary police officer. For this reason, we reverse the trial court's grant of summary disposition in this case based upon the firefighter's rule and remand for further proceedings consistent with this opinion.

Reversed and remanded. We do not retain jurisdiction.

/s/ Helene N. White

/s/ Jane E. Markey

/s/ Kurtis T. Wilder