

STATE OF MICHIGAN
COURT OF APPEALS

LAKE STATES INSURANCE COMPANY,

Plaintiff-Appellee,

v

JADA JACIOLA BLAIR, a Minor, by her Next
Friend, JENNIFER GREGORY, and JENNIFER
GREGORY, individually,

Defendant-Appellants.

UNPUBLISHED

December 7, 1999

No. 209955

Genesee Circuit Court

LC No. 97-053700 CZ

Before: White, P.J., and Hood and Jansen, JJ.

WHITE, J. (concurring).

I agree on the facts, as apparently asserted by defendants, Jennifer Gregory suffered a “bodily injury.” Defendants have not maintained that the premature birth was attributable to some injury to Jada Blair in utero, as opposed to an injury to Jennifer Gregory that caused the birth process to commence prematurely. Further, I conclude that the term “bodily injury” is not ambiguous or obscure in the manner claimed by defendants. I also agree that the exclusion does not violate the ELCRA by discriminating against pregnant women or children in utero. Because I question whether the exclusion was intended to apply to claims of direct injury to family members, as distinguished from derivative injuries, I would order further briefing. However, on the issues raised, I concur in the affirmance.

/s/ Helene N. White