

STATE OF MICHIGAN
COURT OF APPEALS

GREGORY YOUNG, by his Next Friend,
ROSEMARY THOMAS,

UNPUBLISHED
February 11, 2000

Plaintiff-Appellant,

v

No. 216263
Saginaw Circuit Court
LC No. 98-022224-NI

MAURICE A. HAYNES and GLORIA HAYNES,

Defendants-Appellees.

Before: O'Connell, P.J., and Meter and T. G. Hicks*, JJ.

MEMORANDUM.

Plaintiff appeals as of right the order granting defendants' motion for summary disposition under MCR 2.116(C)(10) in this no-fault insurance action. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Plaintiff sustained a two-centimeter-long laceration on his forehead in an automobile accident. He brought this action for noneconomic damages, alleging that the resulting scar constituted a serious permanent disfigurement. The trial court granted defendants' motion for summary disposition, finding, as a matter of law, that the small scar on plaintiff's forehead was not a serious disfigurement.

MCL 500.3135; MSA 24.13135 provides in part:

(1) A person remains subject to tort liability for noneconomic loss caused by his or her ownership, maintenance, or use of a motor vehicle only if the injured person has suffered death, serious impairment of body function, or permanent serious disfigurement.

(2) For a cause of action for damages pursuant to subsection (1) filed on or after 120 days after the effective date of this subsection, all of the following apply:

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

(a) The issues of whether an injured person has suffered serious impairment of body function or permanent serious disfigurement are questions of law for the court if the court finds either of the following:

(i) There is no factual dispute concerning the nature and extent of the person's injuries.

(ii) There is a factual dispute concerning the nature and extent of the person's injuries, but the dispute is not material to the determination as to whether the person has suffered a serious impairment of body function or permanent serious disfigurement.

Here, there was no factual dispute as to the nature and extent of the injury; plaintiff merely has a minor scar on his forehead. Given the nature of the scar, the court did not err in concluding that the disfigurement was not serious as a matter of law. See *Nelson v Myers*, 146 Mich App 444, 446; 381 NW2d 407 (1985).

Affirmed.

/s/ Peter D. O'Connell

/s/ Patrick M. Meter

/s/ Timothy G. Hicks