

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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DONNA CORDER,

Plaintiff-Appellant,

v

EDWARD LUCERO, ARTHUR LUCERO, and  
PATRICIA LUCERO,

Defendants-Appellees.

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UNPUBLISHED

July 30, 2002

No. 231656

Oakland Circuit Court

LC No. 2000-021194-NI

Before: Murray, P.J., and Sawyer and Zahra, JJ.

PER CURIAM.

Plaintiff appeals as of right from the trial court's grant of summary disposition to defendants in connection with her claim for personal injuries arising out of an automobile accident. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Plaintiff filed suit against defendants following an automobile accident on June 12, 1997. The police report indicated that the accident occurred at low speed and that the car plaintiff was driving was only slightly damaged. Although emergency medical personnel were called to the scene, plaintiff denied loss of consciousness, neck or back pain. She declined to be taken to the hospital at that time. However, a few hours later, she presented at the hospital complaining of a headache. The hospital records indicate that there were no obvious injuries and that the accident occurred at five miles per hour. Plaintiff was discharged after x-rays of her cervical spine were negative. Plaintiff returned to work full-time after two scheduled days off.

Although plaintiff complained of pain in her neck, back and shoulder, memory loss, and numbness in her hand, subsequent testing revealed no objective evidence of injury. X-rays, an MRI, CT scan, and an EMG were all normal except for evidence of carpal tunnel syndrome unrelated to the accident. Plaintiff also underwent neuropsychological testing; the report indicates that her complaints were inconsistent with the type of pattern associated with a motor vehicle accident. Plaintiff was examined at defendants' request on September 6, 2000 by Dr. April Campbell, who found no objective evidence of injuries from the accident; according to Campbell, the symptoms plaintiff was experiencing at the time were the result of conditions unrelated to the accident.

This action is governed by the no-fault act because the complaint alleged that plaintiff suffered a serious impairment of bodily function as a result of the automobile collision, pursuant to MCL 500.3135(1). Defendants moved for summary disposition pursuant to MCR 2.116(C)(10), arguing that the medical testimony all showed that plaintiff suffered nothing more than soft tissue injury that did not affect her ability to lead a normal life. The trial court agreed and granted the motion.

This Court reviews a trial court's decision on a motion for summary disposition de novo. *Smith v Globe Life Ins Co*, 460 Mich 446, 454; 597 NW2d 28 (1999). MCR 2.116(C)(10) provides that summary disposition is appropriate when there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law. In ruling on the motion, the court must consider the pleadings, affidavits, depositions, and other documentary evidence submitted by the parties. *Id.* at 455.

A serious impairment of body function is statutorily defined as “an objectively manifested impairment of an important body function that affects the person’s general ability to lead his or her normal life.” MCL 500.3135(7). This Court has held that soft tissue injuries that do not limit range of motion cannot, as a matter of law, constitute a serious impairment of an important body function. See, e.g., *Miller v Purcell*, 246 Mich App 244, 249-250; 631 NW2d 760 (2001).

Just as in *Miller, supra*, plaintiff admitted in this case that she is able to work forty hours per week and is able to perform household tasks, even performing aerobic exercises several times per week. *Id.* In *Miller*, this Court rejected the plaintiff’s claim that her inability to knit and having to type one-handed at times was evidence of a serious impairment of body function because “her ability to lead her normal life has not been significantly altered by her injury.” *Id.* at 250. Similarly, in this case, plaintiff’s claim that, although she can still garden, she can no longer plant flowers or build flower beds does not establish that her ability to lead a normal life has been significantly altered; plaintiff testified that she can still cut grass and pull weeds. Accordingly, we find that the trial court did not err in granting summary disposition to defendants.

Affirmed.

/s/ Christopher M. Murray  
/s/ David H. Sawyer  
/s/ Brian K. Zahra