

STATE OF MICHIGAN
COURT OF APPEALS

IBRAHIM SAMMOUR,

Plaintiff-Appellant,

v

FARM BUREAU GENERAL INSURANCE
COMPANIES OF MICHIGAN,

Defendant-Appellee.

UNPUBLISHED

January 17, 2008

No. 274463

Wayne Circuit Court

LC No. 04-420827-NF

Before: Saad, C.J., and Borrello and Gleicher, JJ.

PER CURIAM.

In this first-party no-fault insurance action, plaintiff appeals the jury's verdict of no cause for action. For the reasons set forth below, we affirm.

Plaintiff alleges that the trial court denied him a fair trial when it failed to give the jury a redacted transcript of Robert Harwood's deposition and, according to plaintiff, sternly admonished the jury for whispering in the courtroom.

During deliberations, the jury asked the court for a copy of Harwood's deposition and asked about the exact date the deposition was taken. In response, the court explained to the jury that its copy of the deposition contained some information that was only pertinent to plaintiff's third-party claim against Jawad Bazzi. The court then advised the jury that those parts would have to be redacted before the court could give the jury the transcript. The trial court then stated:

And if you need that transcript just send a note out saying please redact and send us the transcript and we'll be able to.

Otherwise, go and recall as I indicated to you, recall it as best you can okay.

Don't deliberate out here now.

I know you're whispering to each other. But go back and make your decision.

If you want it, we'll do it for you. It shan't take too long, but it will take a little bit of time, maybe an hour or so.

Thereafter, the following exchange occurred between the trial judge and the attorneys:

Court. Okay, gentlemen, before you leave any comment on the comments the Court made? None?

Mr. Millenbach. None, Your Honor.

Mr. Ward. None.

The jury then resumed deliberations and returned with a no cause verdict approximately 20 minutes later. It does not appear from the record that the jury asked the court to provide the redacted deposition.

We find no error in the trial court's remarks and, by affirmatively approving of the trial court's instruction and comments, plaintiff waived any objection. *Chastain v General Motors Corp*, 254 Mich App 576, 591; 657 NW2d 804 (2002). Accordingly, plaintiff's claim is without merit.

Affirmed.

/s/ Henry William Saad
/s/ Stephen L. Borrello
/s/ Elizabeth L. Gleicher