

STATE OF MICHIGAN
COURT OF APPEALS

CAROLINE RANSOM,

Plaintiff-Appellant,

v

UTLITY CONTRACTING COMPANY and
DAVID GEORGE YULE,

Defendant-Appellee.

UNPUBLISHED

April 22, 2008

No. 276827

Ingham Circuit Court

LC No. 06-000145-NI

Before: Fort Hood, P.J., and Talbot and Servitto, JJ.

Talbot, J. (*dissenting*).

I respectfully dissent because I do not find that plaintiff has sufficiently demonstrated the existence of an impairment that impacts her general ability to lead her normal life under the test delineated by our Supreme Court in *Kreiner v Fischer*, 471 Mich 109; 683 NW2d 611 (2004).

It is well settled that the experience of a negative impact on a specific aspect of an individual's life is insufficient, standing alone, to meet the threshold requirement established by the *Kreiner* Court, as long as the injured person is capable of generally leading their normal life. *Kreiner, supra* at 137. Viewing plaintiff's life in its entirety, and comparing her activity pre- and post-accident leads to the conclusion that her impairment did not affect her overall ability to conduct the course of her normal life. Plaintiff continues to work, albeit with some restrictions. She continues to perform her routine household and daily tasks even though she must alter their frequency or scheduling. Plaintiff continues to participate in her prior recreational activities commensurate with her pre-accident behavior. Consequently, I do not believe that her post-impairment condition is sufficiently different in quality to demonstrate that her "general ability" to conduct the course of her life has been sufficiently impacted to satisfy the serious impairment of body function threshold necessary for recovery under Michigan's no-fault statute. MCL 500.3135.

/s/ Michael J. Talbot