STATE OF MICHIGAN

COURT OF APPEALS

BRONSON METHODIST HOSPITAL, Plaintiff-Appellee,	UNPUBLISHED January 24, 2012
v	No. 300229 Kalamazoo Circuit Court
AUTO OWNERS INSURANCE COMPANY, Defendant-Appellant.	LC No. 2008-000640-NF

Before: JANSEN, P.J., and SAWYER and SHAPIRO, JJ.

PER CURIAM.

Defendant appeals as of right the judgment by the trial court to award plaintiff payment for April LaFountain's medical bills pursuant to a policy of no fault insurance. We affirm.

I

On April 14, 2008, LaFountain decided to commit suicide. To accomplish this, she drove her car to a dirt road, parked, and ingested a great quantity of antidepressants. Her intent was to fall asleep and die. Moments later, LaFountain changed her mind and decided that she would rather die in a different location, and so she began to drive somewhere else. Her intent was to drive to this different location, park, fall asleep, and die. During the drive to this new location, she blacked out.

LaFountain was found later that day. Her car had struck a large tree head-on at between 35 and 45 miles per hour. There were no signs of evasive action. Deputy Sheriff Loughlin stated that the crash was consistent with both a person intentionally crashing their car or passing out and drifting off the road. LaFountain survived, but suffered a broken arm and neck from the crash. She has no memory of the crash. Plaintiff provided her medical treatment and submitted a claim to defendant to cover the costs. Her total medical bills amounted to $53,863.83.

II

Defendant first argues that LaFountain's injuries were intentional because they stemmed from an intentional act. However, defendant has failed to state any claim of error that would be supported by its arguments. It is well established that an appellant may not merely announce its position and leave it to this Court to discover and rationalize the basis for its claims, unravel or elaborate its argument, or search for authority for its position. *Greater Bethesda Healing Springs*

Ministry v Evangel Builders & Const Managers, LLC, 282 Mich App 410, 413; 766 NW2d 874 (2009). This is the opposite situation; defendant has rationalized, elaborated, and provided authority for its arguments, but it has not announced its position. Defendant argues that the trial court erred in reaching its conclusion, but it has not explained what the trial court did, based on that conclusion, that would constitute an error requiring reversal. Insufficiently briefed issues are deemed abandoned on appeal. *Id.* In much the same way that this Court would not search for authority to support a position, this Court will not search for a position to be supported by defendant's authority.

III

Defendant next argues that plaintiff failed to demonstrate that defendant actually provided LaFountain's insurance policy and that defendant is not LaFountain's insurance carrier; thus, the trial court erred in denying defendant's motion for directed verdict. We disagree. Review of a trial court's decision on a motion for directed verdict is de novo. *Krohn v Home-Owners Ins Co*, 490 Mich 145, 155; 802 NW2d 281 (2011). A motion for directed verdict should be granted only if the evidence, viewed in the light most favorable to the nonmoving party, fails to establish a claim as a matter of law. *Sniecinski v Blue Cross & Blue Shield of Michigan*, 469 Mich 124, 131; 666 NW2d 186 (2003). Plaintiff has the burden of proving the existence of the contract and his entitlement to benefits under it. *Lambert v Jim Causley Pontiac, Inc*, 47 Mich App 620, 621-622; 209 NW2d 619 (1973).

In this case, after mentioning it in the answer to the complaint dated November 26, 2008, defendant never raised the issue again. All of defendant's arguments, in all of defendant's motions, involved the issue whether LaFountain's injuries were intentional. In a motion for summary disposition on June 29, 2009, defendant still did not raise the issue, but instead argued that LaFountain's injuries were intentional. It was not until the end of the trial on August 10, 2010, after the closing of proofs, that defendant raised the issue again as the last of three motions for directed verdict. After that motion for directed verdict was not granted, defendant did not raise the issue in its closing arguments or when discussing what questions should be on the jury verdict form. Both defendant and the company that defendant claims is LaFountain's insurance carrier, Home-Owners Insurance Company, are owned by the same corporation, Auto-Owners Insurance Group, and share the same office.

Exhibit two is a letter from Auto-Owners Insurance Group, and while it does indicate that Home-Owners is LaFountain's insurance carrier, it also lists the several companies owned by Auto-Owners Insurance Group, including defendant and Home-Owners. The trial court concluded that this evidence indicated that defendant and Home-Owners were the same company. A reasonable trier of fact could interpret this evidence to suggest that the two companies are the same company.

LaFountain testified that Gary Simon, an adjuster working for defendant, visited her in the hospital. This visit took place after defendant had received plaintiff's bill, but before any complaint had been filed. During the visit, Simon recorded the conversation, requested personal information, and asked her to describe the day of the crash. A reasonable trier of fact could interpret this evidence to mean Simon was acting in his capacity as defendant's claims adjuster

when he spoke with LaFountain and, therefore, either defendant is LaFountain's insurance carrier or defendant and Home-Owners are the same company.

A motion for directed verdict should be granted only if the evidence, viewed in the light most favorable to the nonmoving party, fails to establish a claim as a matter of law. *Sniecinski,* 469 Mich at 131. A directed verdict is appropriate only when no factual question exists upon which reasonable minds could differ. *Roberts,* 280 Mich App at 401. The evidence includes exhibit two and LaFountain's testimony regarding her visit from Simon. These two pieces of evidence, viewed in a light most favorable to plaintiff, create a factual question upon which reasonable minds could differ. In addition, defendant offered no evidence to refute the trial court's conclusion that defendant and Home-Owners are the same company. Thus, the trial court did not err in denying defendant's motion for directed verdict. Accordingly, we affirm the trial court's denial of defendant's motion for directed verdict.

Affirmed. Plaintiff may tax costs.

/s/ Kathleen Jansen
/s/ David H. Sawyer