STATE OF MICHIGAN

COURT OF APPEALS

LOUISE L.SANDERS,

Plaintiff-Appellant,

v

PAUL R. CASTONIA and WOLVERINE DISPATCH, INC.,

Defendants-Appellees.

UNPUBLISHED
October 31, 1997

No. 195390
Muskegon Circuit Court
LC No. 95-032495-NZ

Before: White, P.J., and Cavanagh and Reilly, JJ.

PER CURIAM.

Following a bench trial, a judgment of no cause of action was entered in favor of defendants in this third-party no-fault case. Plaintiff appeals as of right, and we affirm.

I

Plaintiff argues that the trial court erred when it denied plaintiff's motion to adjourn trial. We will not reverse a trial court's denial of a motion to adjourn trial absent an abuse of discretion. *Zerillo v Dyksterhouse*, 191 Mich App 228, 230; 477 NW2d 117 (1991).

In support of her argument, plaintiff emphasizes that this was the first time that she had requested an adjournment; that at the time she made her request, the trial was scheduled as a back-up trial only; that she filed her request promptly upon learning that she could not return for trial; that she made her request approximately thirty days before trial; and that her request was supported by a letter from a California physician, Dr. Fernando, indicating that he had advised plaintiff not to travel.

In denying plaintiff's motion for an adjournment, the trial court noted that Dr. Fernando was the only doctor who said that plaintiff should not travel; the Michigan physicians that had examined plaintiff had not restricted her travel. Because of an inconsistency in Dr. Fernando's report, the trial court found him to be less credible than the other physicians. Furthermore, the trial court observed that plaintiff had traveled to and from California three times during the course of the litigation. Given these facts, we cannot find that the trial court abused its discretion in denying plaintiff's motion to adjourn trial.

II

Plaintiff next argues that the trial court erred when it determined that plaintiff had not sustained a serious impairment of body function as a result of the motor vehicle accident. We disagree.

Pursuant to MCR 2.613, a trial court's findings of fact may not be set aside unless they are clearly erroneous. A finding is clearly erroneous when, although there is evidence to support it, the reviewing court on the entire record is left with a definite and firm conviction a mistake has been made. *Andrews v Pentwater Twp*, 222 Mich App 491, 493; 563 NW2d 713 (1997).

After carefully reviewing the record, we are not left with a definite and firm conviction that the trial court erred. Plaintiff argues that the reports of Dr. Gilreath established that plaintiff sustained a serious impairment of body function as a result of the accident. However, Dr. Gilreath's reports do not definitively state that plaintiff suffered a serious impairment of body function in the accident. In one report, Dr. Gilreath noted plaintiff's "considerable pre-existent medical problems" and stated that "there is no way that one can ascertain whether or not this motor vehicle accident itself caused any neurological sequela." Taking into consideration the other medical records presented as well as the reports of Dr. Gilreath, we conclude that the trial court's finding was not clearly erroneous. See MCL 500.3135(1); MSA 24.13135(1),[1] *DiFranco v Pickard*, 427 Mich 32, 67; 398 NW2d 896 (1986).

Affirmed.

/s/ Helene N. White
/s/ Mark J. Cavanagh
/s/ Maureen Pulte Reilly

[1] MCL 500.3135(7); MSA 24.13135(7) is not implicated in this case because it did not take effect until March 28, 1996, after the trial had been completed