

STATE OF MICHIGAN
COURT OF APPEALS

PAULA MARIE CRANE,

Plaintiff-Appellant,

v

MICHELLE ANN GLOVER,

Defendant-Appellee.

UNPUBLISHED

April 21, 2000

No. 207847

Oakland Circuit Court

LC No. 96-510929-NI

Before: Gribbs, P.J., and Doctoroff and T. L. Ludington*, JJ.

MEMORANDUM.

Plaintiff appeals as of right the opinion and order entered pursuant to MCR 2.116(C)(7), dismissing her action on statute of limitations grounds. We affirm.

On June 1, 1990, plaintiff and defendant were involved in an automobile accident. In her application for benefits from her insurer, plaintiff noted that she injured her left shoulder, was bruised, and she had stiff muscles and a stiff neck. In June of 1995, plaintiff was seen by her family physician, and reported numbness in her hands. She was subsequently diagnosed with a herniated disc, which she attributed to the accident. She filed this action on January 3, 1996, and asserted that it was timely filed within one year of the discovery of her neck injury. The trial court granted defendant's motion for summary disposition on statute of limitations grounds.

A simple negligence cause of action accrues when a prospective plaintiff first knows or reasonably should know she is injured. *Stephens v Dixon*, 449 Mich 531, 538; 536 NW2d 755 (1995). In a no-fault insurance action, a plaintiff cannot extend the statute of limitations by claiming that her cause of action did not accrue until her injury reached the threshold status of serious impairment of body function. *Id.*, 540-541. The discovery rule is not available in a case of ordinary negligence where a plaintiff merely misjudges the severity of a known injury. *Id.*, 537.

* Circuit judge, sitting on the Court of Appeals by assignment.

In *Schultz v Black (On Remand)*, 215 Mich App 248; 544 NW2d 741 (1996), this Court interpreted *Stephens*, and found that if the plaintiff presented evidence that she neither knew or should have known that she sustained any injuries in a traffic accident, the discovery rule applied.

The facts in the instant case are similar to those presented in *Stephens*. Plaintiff was aware she sustained an injury in the traffic accident. She reported injuries to her own insurance company, including a stiff neck. Although plaintiff did not discover the extent of her neck injury for several years, the discovery rule is unavailable in a case of ordinary negligence where a plaintiff merely misjudges the severity of a known injury. *Stephens, supra*, 537.

Plaintiff's claim accrued at the time of her injury in 1990. The trial court properly found that her claim was barred by the applicable three-year statute of limitations. MCL 600.5827; MSA 27A.5827.

Affirmed.

/s/ Roman S. Gibbs
/s/ Martin M. Doctoroff
/s/ Thomas L. Ludington