

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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YOLANDA SMITH, a/k/a YOLANDA  
WILLIAMS,

Plaintiff-Appellee,

v

THOMAS MATHEWS a/k/a THOMAS  
MATTHEWS and KIMBERLY MATHEWS a/k/a  
KIMBERLY MATTHEWS,

Defendants-Appellants.

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UNPUBLISHED  
November 14, 2000

No. 219306  
Wayne Circuit Court  
LC No. 97-739051-NI

Before: Jansen, P.J., and Doctoroff and O'Connell, JJ.

PER CURIAM.

Defendants appeal by leave granted an April 14, 1999, Wayne Circuit Court order striking down MCL 500.3135(2)(c); MSA 24.13135(2)(c) as violative of the Equal Protection Clause of the Michigan Constitution, Const 1963, art 1, § 2, and denying defendants' motion for summary disposition. We reverse and remand for entry of an order granting summary disposition in favor of defendants.

Plaintiff alleges that she sustained serious injuries in a motor vehicle accident that defendants caused. At the time of the accident, plaintiff was operating her own uninsured vehicle. Plaintiff commenced suit against defendants seeking compensation for noneconomic damages. Defendants moved for summary disposition on the grounds that MCL 500.3135(2)(c); MSA 24.13135(2)(c) barred plaintiff's action because plaintiff's vehicle was uninsured at the time of the accident. The trial court denied the motion after determining that the statutory provision in question violated the Equal Protection Clause of the Michigan Constitution.

The trial court erred in ruling that MCL 500.3135(2)(c); MSA 24.13135(2)(c) was unconstitutional. This Court recently concluded in *Stevenson v Reese*, 239 Mich App 513, 517-520; 609 NW2d 195 (2000), that MCL 500.3135(2)(c); MSA 24.13135(2)(c) violates neither the Equal Protection nor the Due Process Clauses of the Michigan Constitution. We follow *Stevenson*. MCR 7.215(H)(1). The trial court should have granted summary disposition in favor of defendants.

Reversed and remanded. We do not retain jurisdiction.

/s/ Kathleen Jansen

/s/ Martin M. Doctoroff

/s/ Peter D. O'Connell