

STATE OF MICHIGAN  
COURT OF APPEALS

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LAVERN DENHAM, Next Friend of KELVIN  
DENHAM, a minor,

UNPUBLISHED  
February 9, 2001

Plaintiff-Appellant,

v

CITY OF DETROIT and JEFFREY J. HESS,

No. 219550  
Wayne Circuit Court  
LC No. 97-723113-NI

Defendants-Appellees.

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Before: Zahra, P.J., and Smolenski and Gage, JJ.

PER CURIAM.

Plaintiff, a minor, was injured when a police car struck his bicycle. Plaintiff appeals as of right from a judgment of no cause of action against defendants. We affirm.

Plaintiff first argues that the threshold requirements of the no-fault statute, MCL 500.3135; MSA 24.13135, should not apply in this case because he sued governmental defendants and the governmental immunity statute, MCL 691.1405; MSA 3.996(105), does not expressly incorporate the requirements of the no-fault statute. Therefore, plaintiff argues that he need not prove serious impairment of body function in order to recover damages. However, our Supreme Court resolved this question in *Hardy v Oakland County*, 461 Mich 561, 565; 607 NW2d 718 (2000), holding that the threshold requirements of the no-fault statute apply in cases governed by the governmental immunity statute. Therefore, it is clear that the trial court did not err in applying the threshold requirements of the no-fault act to this case.

Plaintiff next argues that the jury rendered an inconsistent verdict and that the trial court erred in failing to order a new trial. A verdict in a civil case will be set aside and a new trial granted where the verdict is self-contradictory, inconsistent, or incongruous. *Farm Bureau Mutual Ins Co v Sears, Roebuck & Co*, 99 Mich App 763, 768; 298 NW2d 634 (1980). However, the findings of a properly instructed jury must be upheld if those findings can be reconciled to the evidence. *Bean v Directions Unlimited, Inc*, 462 Mich 24, 33-34; 609 NW2d 567 (2000). Even if it is arguably inconsistent, a jury's verdict must be upheld if there is an interpretation of the evidence that provides a logical explanation for the findings of the jury, and a circuit court must make every effort to reconcile a seemingly inconsistent verdict. *Id.* at 31.

The proper remedy for a defective verdict depends on the kind of defect present. Where a verdict is defective because it contains mere surplusage the court may remedy the problem by deleting the surplusage from the final judgment. Even if the defect is not due to the presence of surplusage, the court may still alter the verdict itself so long as the court can ascertain the intent of the jury and the court's final judgment implements that intent. In other situations, however, such as where the verdict is inconsistent, or contains a remedy not authorized by law, the trial court must either reinstruct the jury or order a new trial. [*Ass'n Research & Development Corp v CNA Financial Corp*, 123 Mich App 162, 167-168; 333 NW2d 206 (1983) (internal citations omitted)].

In this case, the jury determined that plaintiff had not suffered serious impairment of body function, an element required by the no-fault statute. The jurors then answered the remaining questions on the verdict form, even though the form instructed them not to do so. The verdict form reveals the jury's conclusion that plaintiff suffered damages of \$7,500. Plaintiff argues that the verdict was therefore inconsistent, finding that he was not injured as required by the no-fault statute, yet awarding him damages for such an injury. This seemingly inconsistent verdict can be logically explained by concluding that the jury found plaintiff had been only slightly injured by defendants' negligence, but not seriously enough to meet the no-fault threshold. In light of plaintiff's request that the jury award minimum damages of \$200,000, the jury's determination that plaintiff's actual damages were only \$7,500 reveals a determination that plaintiff's injuries were not substantial. The trial court's conclusion that the jury found no serious impairment of body function was supported by the evidence and did not constitute an abuse of discretion.

Affirmed.

/s/ Brian K. Zahra  
/s/ Michael R. Smolenski  
/s/ Hilda R. Gage