

STATE OF MICHIGAN
COURT OF APPEALS

GJELINA VATAY,

Plaintiff-Appellant,

v

MACOMB COUNTY SHERIFF'S
DEPARTMENT and THOMAS WRIGHT,

Defendants-Appellees.

UNPUBLISHED

March 1, 2002

No. 227533

Macomb Circuit Court

LC No. 99-000197-NI

Before: Bandstra, P.J., and Murphy and Murray, JJ.

MEMORANDUM.

The circuit court dismissed plaintiff's automobile negligence action against defendants based on her failure to show a serious impairment of body function as required by MCL 500.3135(1). Plaintiff appeals as of right. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Plaintiff argues that the circuit court erred by dismissing her claim, asserting that the evidence showed that she sustained objectively manifested injuries which seriously impaired a body function. We find no error. There is no material dispute regarding the nature of plaintiff's physical injuries, so the issue of serious impairment was a question of law for the court to decide. *Kern v Blethen-Coluni*, 240 Mich App 333, 343; 612 NW2d 838 (2000). The medical evidence presented indicated that while plaintiff suffered a variety of injuries, none of them seriously affected her general ability to lead her normal life. Plaintiff's fractured bones were simply splinted and healed. The mild disc bulges in her spine did not constitute serious injuries requiring treatment. Her pain due to muscle and back strain or sprain was treated without surgery. Any real disability suffered by plaintiff was short-lived, and any pain or residual impairment did not appear due to plaintiff's physical injuries. The circuit court did not err by finding that plaintiff failed to show an objectively manifested impairment of an important body function which affected her general ability to lead her normal life. MCL 500.3135(7).

Affirmed.

/s/ Richard A. Bandstra

/s/ William B. Murphy

/s/ Christopher M. Murray