

Court of Appeals, State of Michigan

ORDER

Harless Hairston v Metropolitan Group Property and Casualty
Insurance Company

Docket No. 300189

LC No. 07-713187-NF

Christopher M. Murray
Presiding Judge

Michael J. Talbot

Deborah A. Servitto
Judges

On January 5, 2012, we held this case in abeyance pending our Supreme Court's decision in *Progressive Marathon Ins Co v DeYoung*, ___ Mich ___; ___ NW2d ___ (2012). On July 31, 2012, the Court ruled that "any person who takes a vehicle contrary to . . . the "joyriding" statutes—has taken the vehicle unlawfully for purposes of MCL 500.3113(a)." Slip op, p 3. In light of the Court's ruling, we AFFIRM the trial court's grant of summary disposition in favor of Metropolitan Group Property and Casualty Insurance Company. Harless Hairston admits on appeal that he borrowed the vehicle in which he was injured from his mother without her permission. Hairston relies on *Butterworth Hosp v Farm Bureau Ins Co*, 225 Mich App 244; 570 NW2d 304 (1997), to assert that because he was a family member joyriding at the time he was injured, the taking of the vehicle was not unlawful and he is entitled to personal protection insurance benefits under MCL 500.3113(a). Our Supreme Court's decision in *Progressive Marathon Ins Co v DeYoung* overruled *Butterworth Hosp v Farm Bureau Ins Co*. Slip op, p 5. Thus, Hairston is not entitled to relief.

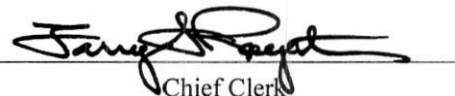
Presiding Judge



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

August 2, 2012

Date


Chief Clerk