Court of Appeals, State of Michigan

ORDER

Jonatta Thomas v Farm Bureau Mutual Insurance Co of Michigan

Docket No. 334530

LC No. 15-011399-NI

Michael J. Riordan
Presiding Judge

Christopher M. Murray

Karen M. Fort Hood
Judges

Pursuant to MCR 7.205(E)(2), the Court orders that the circuit court's July 20, 2016 order is REVERSED to the extent it partially denied appellant's motion for summary disposition. In light of plaintiff's admission that she reviewed the "Replacement (Household) Services Statements" containing false information before submitting them, plaintiff knowingly provided false information about a material portion of her claim to the Michigan Assigned Claims Plan. This rendered plaintiff "*ineligible* for payment or benefits under the assigned claims plan." MCL 500.3173a(2) (emphasis added). Further, because the plain language of § 3173a(2) does not limit the scope of a claimant's ineligibility under these circumstances or contain an intent element, plaintiff is categorically disqualified from receiving any PIP benefits in this case even if she had no intent to deceive. See *Koontz v Ameritech Servs, Inc*, 466 Mich 304, 323; 645 NW2d 34 (2002) ("courts may not look beyond the clear text of a statute to discover an unexpressed legislative intent"); see also *Webster's New World Dictionary, Third College Edition* (1988) (defining "ineligible" as "not legally . . . qualified."). Moreover, "[b]ecause plaintiff's claim for PIP benefits is precluded, intervening plaintiffs' claim[s] for PIP benefits [are] similarly barred, as they stand in the shoes of plaintiff." *Bahri v IDS Prop Cas Ins Co*, 308 Mich App 420, 424; 864 NW2d 609 (2014). Accordingly, we REVERSE the circuit court's order in part and REMAND for consideration of whether appellant is entitled to attorney fees under MCL 500.3148(2).

This order is to have immediate effect. MCR 7.215(F)(2).

This Court retains no further jurisdiction.

A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

JAN 0 6 2017

Date

Chief Clerk