

Court of Appeals, State of Michigan

ORDER

Advanced Surgery Center LLC v Everest National Insurance Co

Docket No. 335987

LC No. 15-014991-NF

Christopher M. Murray
Presiding Judge

Karen M. Fort Hood

Michael J. Riordan
Judges

The Court orders that the motion for immediate consideration is GRANTED.

Pursuant to MCR 7.205(E)(2), the Court orders that the trial court's November 14, 2016 order denying defendant's motion for summary disposition is REVERSED because defendant is entitled to rescind its insured's policy, *Lake States Ins Co v Wilson*, 231 Mich App 327, 331; 586 NW2d 113 (1998), and plaintiff's "ability to recover an injured party's medical expenses under the no-fault act is dependent on the injured party's eligibility for no-fault benefits," *Chiropractors Rehab Group, PC v State Farm Mut Auto Ins Co*, 313 Mich App 113, 130; 881 NW2d 120 (2015). Accordingly, where the injured party is ineligible for no-fault benefits from defendant, plaintiff is, too. *Id.* The trial court erred in ruling a genuine issue of material fact precluded summary disposition.

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

February 16, 2017
Date


Chief Clerk