

**Court of Appeals, State of Michigan**

**ORDER**

Louise Plewa v Auto Club Group Insurance

Docket No. 338124

LC No. 15-013511-NF

Michael J. Talbot  
Presiding Judge

Kirsten Frank Kelly

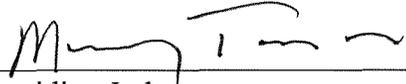
Thomas C. Cameron  
Judges

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Pursuant to MCR 7.205(E)(2), the Court orders that trial court’s April 21, 2017 order is REVERSED. The plain language of the policy required plaintiff to “make a written report” to law enforcement, not to file “written notice” with law enforcement. Thus, the exception permitting plaintiff “to give such notice . . . as soon as it is reasonably possible” can only refer to plaintiff’s duty to provide defendant with “written notice” of the accident within 30 days. To hold otherwise would render the term, “report,” synonymous with the term, “notice,” and would render the whole section ambiguous since it would be unclear whether “such notice” referred to plaintiff’s notifying the police or notifying defendant. See *McCoig Materials, LLC v Galui Constr, Inc*, 295 Mich App 684, 694; 818 NW2d 410 (2012) (“Every word, phrase, and clause in a contract must be given effect, and contract interpretation that would render any part of the contract surplusage or nugatory must be avoided”); *Henderson v State Farm Fire & Cas Co*, 460 Mich 348, 354; 596 NW2d 190 (1999) (“a court should not create ambiguity in an insurance policy where the terms of the contract are clear and precise.”). Plaintiff’s failure to timely make a “written report” with law enforcement, then, precludes her from recovering uninsured motorist benefits irrespective of whether her failure to do so was reasonable or whether her failure to do so prejudiced defendant. *DeFrain v State Farm Mut Auto Ins Co*, 491 Mich 359, 372, 375; 817 NW2d 504 (2012).

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

This Court retains no further jurisdiction.

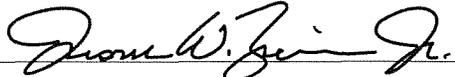
  
\_\_\_\_\_  
Presiding Judge



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

**AUG 31 2017**

\_\_\_\_\_  
Date

  
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Chief Clerk