

Court of Appeals, State of Michigan

ORDER

Devin Joseph Gomez v Progressive Michigan Insurance Company

Docket No. 344675

LC No. 17-008457-NF

Christopher M. Murray
Presiding Judge

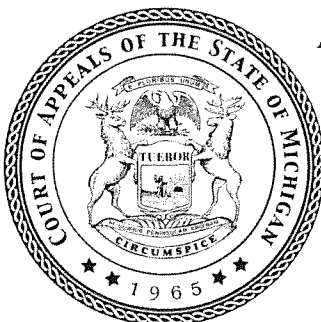
Michael J. Riordan

Anica Letica
Judges

Pursuant to MCR 7.205(E)(2), in lieu of granting the application for leave to appeal, the Court orders that the Wayne Circuit Court's May 21, 2018 order is REVERSED. Defendant presented sufficient evidence to raise a genuine issue of material fact regarding the involvement of a motor vehicle in the accident. MCR 2.116(G)(6); *Barnard Mfg Co, Inc v Gates Performance Engineering, Inc*, 285 Mich App 362, 373; 775 NW2d 618 (2009). Moreover, the clear and unambiguous language of the exclusion contained in the uninsured motorist (UM) coverage provision of the applicable policy excludes the recovery of UM benefits in this matter. *Gurski v Motorists Mut Ins Co*, 321 Mich App 657, 666; 910 NW2d 385 (2017). This matter is REMANDED to the trial court further proceedings not inconsistent with this order.

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

We do not retain jurisdiction.



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

NOV 27 2018

Date


Chief Clerk