

Court of Appeals, State of Michigan

ORDER

LaSandra Traylor v Progressive Marathon Insurance Company

Docket No. 344747

LC No. 17-011277-NI

Christopher M. Murray
Presiding Judge

Michael J. Riordan

Anica Letica
Judges

In lieu of granting leave to appeal the Court orders, pursuant to MCR 7.205(E)(2), that the trial court's July 10, 2018 order denying defendant's motion for summary disposition is REVERSED IN PART, and the matter is REMANDED for further proceedings consistent with this order. After review of the evidence submitted below, there is no genuine issue of material fact that LaSandra Traylor committed fraud with respect to her individual claim for no-fault benefits, and thus, under the policy's fraud exclusion, LaSandra Traylor's individual claim for no-fault benefits is precluded, as are the claims of any intervening plaintiffs to the extent they seek to recover for services provided to LaSandra Traylor. See *Bahri v IDS Prop Cas Ins Co*, 308 Mich App 420; 864 NW2d 609 (2014). With regard to the claims of the minor plaintiffs, on remand the trial court is directed to address defendant's alternative argument, i.e., whether these plaintiffs incurred any expenses for which they are entitled to receive no-fault benefits. See *Douglas v Allstate Ins Co*, 492 Mich 241; 821 NW2d 472 (2012).

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

DEC 03 2018

Date


Chief Clerk