

Court of Appeals, State of Michigan

ORDER

Thomas Imm v Auto Club Insurance Association

Docket No. 347652

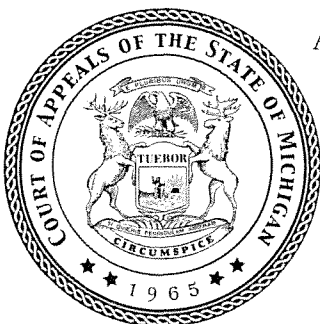
LC No. 18-000415-NF

Douglas B. Shapiro
Presiding Judge

David H. Sawyer

Jane E. Markey
Judges

Pursuant to MCR 7.205(E)(2), in lieu of granting the application for leave to appeal, the Court PEREMPTORILY REVERSES the December 18, 2018 bench ruling of the trial court, VACATES the January 11, 2019 order effectuating that bench ruling, and REMANDS this matter for entry of an order requiring plaintiff to submit to an insurance medical examination. "When the mental or physical condition of a person is material to a claim that has been or may be made for past or future personal protection insurance benefits, the person shall submit to mental or physical examination by physicians." MCL 500.3151. Because plaintiff's physical condition was material to his claim for personal protection insurance benefits, plaintiff had a statutory duty to submit to an insurance medical examination. *Roberts v Farmers Ins Exch*, 275 Mich App 58, 68-69; 737 NW2d 332 (2007). This order is not intended to circumscribe the trial court's discretion to decide where the insurance medical examination shall be conducted. We do not retain jurisdiction. This order has immediate effect. MCR 7.215(F)(3).



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

JUL 30 2019

Date


Chief Clerk