

STATE OF MICHIGAN
COURT OF APPEALS

DAVID JOHNSON,

Plaintiff-Appellant,

v

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY,

Defendant-Appellee.

UNPUBLISHED

December 27, 1996

No. 189382

LC No. 94 424669 NI

Before: Corrigan, P.J., and Sullivan* and T.G. Hicks,** JJ.

MEMORANDUM.

In this insurance coverage dispute surrounding a carjacking, plaintiff appeals by right the order granting summary disposition to defendant. We affirm.

In August 1994, plaintiff David Johnson had stopped a 1993 Ford Mustang insured by defendant to put up the convertible top. Four people in a van pulled up, demanded the Mustang and shot plaintiff, rendering him a paraplegic. Plaintiff sued for insurance coverage. The circuit court granted summary disposition to defendant, relying on *Bourne v Farmers Ins Exchange*, 449 Mich 193; 534 NW2d 491 (1995).

In *Bourne*, our Supreme Court determined that the plaintiff's injuries, inflicted by two men who stole his car, arose from the blows by the carjackers. *Id.* at 198. The Court ruled that the personal physical attack suffered by the plaintiff was not compensable. *Id.* The Court decided that the plaintiff's injuries did not arise out of the use of his vehicle as a motor vehicle and affirmed the trial court's grant of summary disposition. *Id.* at 201. See also *Marzonie v ACIA*, 441 Mich 522, 534; 495 NW2d 788 (1992); *Thornton v Allstate Ins Co*, 425 Mich 643, 661; 391 NW2d 320 (1986). This Court follows, as it must, precedent from our Supreme Court. *Hatfield v St Mary's Medical Center*, 211 Mich App 321, 327-328; 535 NW2d 272 (1995).

* Former Court of Appeals judge, sitting on the Court of Appeals by assignment.

** Circuit judge, sitting on the Court of Appeals by assignment.

Affirmed.

/s/ Maura D. Corrigan
/s/ Joseph B. Sullivan
/s/ Timothy G. Hicks