

STATE OF MICHIGAN  
COURT OF APPEALS

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NORA TUAZON, DANILO TUAZON, and  
DANILO TUAZON, JR.

UNPUBLISHED  
February 28, 1997

Plaintiffs-Appellants,

v

No. 186266  
Wayne Circuit Court  
LC No. 93-329803

JOYCE ALLISON SHEEN,

Defendant-Appellee.

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Before: Bandstra, P.J., and Neff and M.E. Dodge,\* JJ.

PER CURIAM.

Plaintiffs appeal as of right from a jury verdict of no cause of action. Plaintiff Nora Tuazon (hereinafter “plaintiff”) and defendant were involved in a car collision, and plaintiff filed a negligence action seeking noneconomic damages. Plaintiff’s husband and son filed derivative claims for loss of consortium. The jury found that defendant was not negligent in proceeding across Telegraph Road. We affirm the jury’s verdict.

This case arose when plaintiff’s car and defendant’s car collided at the intersection of Telegraph and Lehigh Roads. Plaintiff was northbound on Telegraph Road, a four-lane through highway. Defendant was traveling west on Lehigh Road and stopped at the stop sign at the intersection with Telegraph Road. After waiting for a break in traffic, defendant proceeded across the northbound lanes of Telegraph Road toward the median area. Plaintiff’s and defendant’s vehicles collided in the farthest left lane of Telegraph Road. Neither driver saw the other until just before impact.

Plaintiff first argues that the jury’s verdict was against the great weight of the evidence. We disagree. On appeal, this Court reviews the trial court’s grant or denial of the motion for new trial for an abuse of discretion. *People v Herbert*, 444 Mich 466, 477; 511 NW2d 654 (1993). When reviewing a trial court’s determination on the issue whether the verdict was against the great weight of the evidence, we must analyze the record on appeal in detail. *Arrington v Detroit Osteopathic Hospital Corp (On Remand)*, 196 Mich App 544, 560; 493 NW2d 492 (1992). The test we employ is

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

whether the verdict is against the overwhelming weight of the evidence. *Heshelman v Lombardi*, 183 Mich App 72, 76; 454 NW2d 603 (1990).

The evidence at trial established that defendant stopped at a stop sign on westbound Lehigh Road before crossing the northbound lanes of Telegraph Road. Defendant looked to the left before she started across the intersection. Defendant saw a group of cars, but decided that she had ample time to cross to the median based on the distance of the cars and her knowledge of the forty-five mile per hour speed limit on Telegraph Road. The driver behind defendant also thought defendant had enough time to cross Telegraph. Plaintiff's car reached the intersection before any other car. Based on this information, the jury could infer that plaintiff was speeding. The evidence supports the jury's verdict that defendant was not negligent in determining to proceed across Telegraph Road. We will not set aside a jury's verdict where there is competent evidence to support it. *King v Taylor Chrysler-Plymouth, Inc*, 184 Mich App 204, 210; 457 NW2d 42 (1990).

Plaintiff's second argument is that the jury instructions unfairly and unlawfully represented plaintiff's duty of reasonable care in this case because the instructions placed a duty on plaintiff to yield to defendant. We disagree. On appeal, jury instructions are reviewed in their entirety, rather than extracted piecemeal to establish error in isolated portions. *Wiegerink v Mitts & Merrill*, 182 Mich App 546, 548; 452 NW2d 872 (1990). The trial court's instructions on comparative negligence, reasonable and unlawful speed, and unlawful right-of-way were quoted verbatim from statutory provisions. Our review of the entire set of instructions provided does not disclose any improper shifting of burdens or duties as plaintiff claims.

Plaintiff also contends that the trial court erred when it refused to give plaintiff's requested instruction. Again, we disagree. The determination whether a supplemental instruction is applicable and accurate is within the trial court's discretion and will not be reversed unless failure to vacate the verdict would be inconsistent with substantial justice. *Bordeaux v The Celotex Corp*, 203 Mich App 158, 168-169; 511 NW2d 899 (1993); *Niemi v Upper Peninsula Orthopedic Associates, LTD*, 173 Mich App 326, 328-329; 433 NW2d 363 (1988). The jury was instructed that defendant had a duty to use reasonable care for her own safety and plaintiff's safety and that defendant had a duty to yield the right-of-way to any cars that had entered the intersection or were so close to the intersection as to constitute an immediate hazard if defendant were to enter the intersection. These instructions were sufficient to explain defendant's duties and made the instruction offered by plaintiff unnecessary.

Finally, plaintiff argues that the trial court erred in denying her motion for a directed verdict on the issue of serious impairment of a body function. This issue need not be addressed because we affirm the jury's verdict that defendant was not negligent. Injuries arising from a motor vehicle collision do not give rise to tort liability unless they were caused by a wrongful act or omission. *Citizens Ins Co of America v Tuttle*, 411 Mich 536, 544; 309 NW2d 174 (1981).

We affirm.

/s/ Richard A. Bandstra

/s/ Janet T. Neff

/s/ Michael E. Dodge