

STATE OF MICHIGAN
COURT OF APPEALS

ADRIAN W. GREIF

Plaintiff-Appellant,

v

CARL DAVID SNIDER and GENERAL MOTORS
CORP.,

Defendants-Appellees.

UNPUBLISHED

April 4, 1997

No. 188475

Wayne Circuit Court

LC No. 94-424090 NI

Before: Michael J. Kelly, P.J., and Saad and H.A. Beach,* JJ.

PER CURIAM.

Plaintiff appeals a judgment in favor of defendants, entered pursuant to a jury verdict. Plaintiff contends that the jury's finding that plaintiff did not suffer a serious impairment of body function was against the great weight of the evidence. We disagree and affirm.

I

Michigan's no-fault automobile insurance law, MCL 500.3101 *et seq.*; MSA 24.13101 *et seq.*, permits a person injured in an automobile accident to recover damages for noneconomic losses where the person has suffered death, serious impairment of body function, or permanent serious disfigurement. *DiFranco v Pickard*, 427 Mich 32, 37; 398 NW2d 896 (1986). The impairment "need not be of the entire body function or of an important body function." *DiFranco*, 427 Mich at 39.

Here, the evidence supported the jury's determination that plaintiff did *not* suffer a serious impairment of body function. Plaintiff did not seek initial treatment until six weeks after the accident. Dr. Baker placed no medical restrictions on plaintiff's activities, and plaintiff was not required to undergo surgery. Three months after the accident, Dr. Baker believed that plaintiff was gradually returning to normal, and he assumed that plaintiff would make a "full recovery." Although the physical therapist prescribed several neck exercises, plaintiff neglected to perform them, and he did not wear his

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

cervical collar. Plaintiff was never hospitalized, and did not seek a second opinion from a chiropractor, orthopedic specialist, or neurologist. This evidence was adequate to support the jury's verdict.

Since the jury's verdict was not against the great weight of the evidence, we affirm the judgment for defendants. The trial court did not abuse its discretion in denying plaintiff's motion for a mistrial.

II

Plaintiff briefly raises three additional issues: (1) whether defense counsel's reference throughout trial to plaintiff's ability to play golf, take trips, and go out on his boat was an improper appeal to the "class bias" of the "blue collar, Wayne County (primarily Detroit) jurors"; (2) whether the trial court erred by failing to apprise the jury that the "general ability to lead a normal life" test was no longer applicable in Michigan; and (3) whether the trial court erred in preventing plaintiff from requesting that the jury award him exemplary damages. However, none of these issues were set forth in the statement of questions involved, as required by MCR 7.212(C)(5). Therefore, we decline to review these issues. *City of Lansing v Hartsuff*, 213 Mich App 338, 351; 539 NW2d 781 (1995).

Affirmed. Defendants being the prevailing parties, they are entitled to tax costs pursuant to MCR 7.219.

/s/ Michael J. Kelly
/s/ Henry William Saad
/s/ Harry A. Beach