

STATE OF MICHIGAN  
COURT OF APPEALS

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LOUIS A. JENSEN,

Plaintiff-Appellant,

v

EARL SYLVESTER HUMES,

Defendant-Appellee.

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UNPUBLISHED

July 11, 1997

No. 195678

Isabella Circuit Court

LC No. 92-006810 NI

Before: Cavanagh, P.J., and Doctoroff and D.A. Teeple\*, JJ.

MEMORANDUM.

Plaintiff appeals by right summary disposition in favor of defendant in this motor vehicle negligence action, in which the circuit court determined that plaintiff's injuries do not rise above the no-fault threshold for tort liability. This case is being decided without oral argument pursuant to MCR 7.214(E).

In reviewing summary disposition, this Court is limited to considering the materials which were before the trial court when it ruled on the motion. *Quinto v Cross & Peters*, 451 Mich 358, 367 n 5; 547 NW2d 314 (1996).

In reviewing plaintiff's answer to the motion for summary disposition, the only factual materials concerning his injuries indicate that he complains of ongoing pain in his neck and right knee as a result of the accident. No limitation in the range of motion in the neck has ever been observed by plaintiff's treating physicians. While plaintiff did complain of pain at the extremes of motion of his neck and some numbness of his right arm while shaving in the morning, such complaints, while indicating some impairment of body function, fail to rise to the level of significant impairment prerequisite to tort liability under this state's no-fault regime. *Kallio v Fisher*, 180 Mich App 516, 518; 448 NW2d 46 (1989); *DiFranco v Pickard*, 427 Mich 32; 398 NW2d 896 (1986).

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

Affirmed.

/s/ Mark J. Cavanagh  
/s/ Martin M. Doctoroff  
/s/ Donald A. Teeple