

STATE OF MICHIGAN
COURT OF APPEALS

MARK SPIERS and DORINDA SPIERS,

UNPUBLISHED

Plaintiffs-Appellants,

v

No. 189692

RICHARD NEIL MORRISON,

Grand Traverse Circuit Court
LC No. 94-012369-NI

Defendant-Appellee.

Before: Hoekstra, P.J., and Murphy and Smolenski, JJ.

MUPRHY, J. (concurring in part, dissenting in part).

I would reverse the trial court's grant of directed verdict in favor of defendant as it relates to all of plaintiffs' claims.

In my opinion, plaintiff Dorinda's complaints, along with the nature of the accident at issue and the medical testimony about how trauma can aggravate pre-existing conditions was sufficient to create a question of fact concerning all of plaintiffs' claims. While the evidence may not have carried great weight, plaintiffs satisfied their burden, and the case should have been submitted to the jury.

/s/ William B. Murphy