

STATE OF MICHIGAN
COURT OF APPEALS

STEVEN METIVIER,
Plaintiff-Appellant,

v

FRED KENTON SCHUTT,
Defendant-Appellee.

UNPUBLISHED
July 31, 2001

No. 216325
Wayne Circuit Court
LC No. 97-704730-NI

Before: Saad, P.J., and White and Hoekstra, JJ.

SAAD, P.J. (dissenting).

I respectfully dissent. Because MCL 500.3135 provides that the issue of serious impairment is to be decided by the trial court if there is no dispute regarding the facts and because there are no disputed facts, but rather a difference in legal interpretation of the facts, I would affirm the trial court.

/s/ Henry William Saad