

STATE OF MICHIGAN
COURT OF APPEALS

BUNNY LANE PATENGE,,

Plaintiff-Appellant,

v

ESTATE OF GORDON D. KNIGHT,

Defendant-Appellee.

UNPUBLISHED

March 11, 2003

No. 238893

Ingham Circuit Court

LC No. 00-091490-NI

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

KELLY, P.J. (*dissenting*)

I respectfully dissent. Although there was objective evidence showing an injury to plaintiff affecting an important body function, the evidence did not show that the injury significantly affected plaintiff's ability to lead her normal life.

Plaintiff testified that her injuries kept her from snowmobiling, cross county skiing, bowling, and camping. Head and back pain caused her to miss two or three days of work per month, but it did not endanger her job. No restrictions were placed on her work. She cooks at home, but since the accident her husband does the cleaning.

The trial court properly found that plaintiff failed to present evidence showing that the injury impeded her ability to engage in her normal life activities. No restrictions were placed on her work and the limitations on her household and sporting activities were self-imposed. These self-imposed restrictions are insufficient to show a serious impairment of body function. *Franz v Woods*, 145 Mich App 169, 177; 377 NW2d 373 (1985). Unlike the plaintiff in *Kreiner v Fischer*, 251 Mich App 513; 651 NW2d 433 (2002), plaintiff's injuries did not affect a significant part of her normal life. The trial court did not err in granting summary disposition under MCR 2.116(C)(10). *Maiden v Rozwood*, 461 Mich App 109; 597 NW2d 817 (1999). Accordingly, I would affirm.

/s/ Kirsten Frank Kelly