

STATE OF MICHIGAN  
COURT OF APPEALS

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MAX L. SIMMONS,

Plaintiff-Appellant,

v

DENISE M. HAYES and LUCE COUNTY  
SHERIFF'S DEPARTMENT,

Defendants-Appellees.

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UNPUBLISHED

April 10, 2003

No. 244583

Luce Circuit Court

LC No. 01-003165-NI

Before: Jansen, P.J., and Kelly and Fort Hood, JJ.

MEMORANDUM.

Plaintiff appeals as of right the order granting defendants' motion for summary disposition under MCR 2.116(C)(10) in this no-fault action. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Under MCL 500.3135, a person remains subject to tort liability for noneconomic loss caused by his use of a motor vehicle only if the injured person has suffered death, serious impairment of a body function, or permanent serious disfigurement. The issue of whether an injured person has suffered serious impairment of body function is a question of law if there is no factual dispute concerning the nature and extent of the person's injuries or if there is a dispute that is not material to the determination. MCL 500.3135(2)(a).

In determining whether a plaintiff has suffered a serious impairment of body function, the trial court must consider the nature and extent of the injuries. *May v Sommerfield*, 239 Mich App 197, 202-203; 607 NW2d 422 (1999). The court is required to make appropriate findings whether the plaintiff has an objectively manifested injury, whether an important body function is impaired, and whether that impairment affects the plaintiff's general ability to lead his or her normal life. *Id.*

A court should compare plaintiff's lifestyle before and after the accident in determining whether a factual dispute exists with respect to the extent of plaintiff's injuries. *May v Sommerfield (After Remand)*, 240 Mich App 504, 506; 617 NW2d 920 (2000). A plaintiff must show that his general ability to lead his normal life has been significantly altered by his injury. *Miller v Purcell*, 246 Mich App 244, 250; 631 NW2d 760 (2001).

Plaintiff's normal life prior to the accident included a disability. Employment was not part of his normal life, but walking, hunting, fishing, and performing household chores were. While plaintiff testified that his ability to perform these activities was limited after the accident, he did not relate those limitations to objectively manifested injuries he suffered in the accident. Defendants presented medical evidence indicating that the restrictions were not related to the accident, and plaintiff did not present medical evidence rebutting that conclusion. *Maiden v Rozwood*, 461 Mich App 109, 120-121; 597 NW2d 817 (1999). Plaintiff failed to show that an objectively manifested injury impaired an important body function in a way that affected his ability to lead his normal life.

Affirmed.

/s/ Kathleen Jansen  
/s/ Kirsten Frank Kelly  
/s/ Karen M. Fort Hood