

STATE OF MICHIGAN
COURT OF APPEALS

PHILLIP J. VALLAR,

Plaintiff-Appellant,

v

WALTER BLAIR, JR.,

Defendant-Appellee.

UNPUBLISHED
November 8, 1996

No. 181680
LC No. 94-407503 NI

Before: Wahls, P.J., and Fitzgerald and L.P. Borrello,* JJ.

MEMORANDUM.

Plaintiff filed this action seeking damages under MCL 500.3135(1); MSA 24.13135(1), claiming that he had suffered a permanent, serious disfigurement as the result of an automobile accident. He appeals as of right from the trial court order granting defendant's motion for summary disposition pursuant to MCR 2.116(C)(10). We affirm.

The trial court properly determined that plaintiff's injury did not constitute "serious disfigurement" within the meaning of MCL 500.3135(1); MSA 24.13135(1). *Petaja v Guck*, 178 Mich App 577, 579-580; 444 NW2d 209 (1989); *Nelson v Myers*, 146 Mich App 444, 446; 381 NW2d 407 (1985).

Next, plaintiff argues that the trial court improperly denied his request to appear in person to display the extent of his injuries. However, plaintiff failed to formally request a visual inspection before the trial court's determination on the motion. Consequently, the trial court did not address this issue and appellate review is precluded. *Schubiner v New England Insurance Co*, 207 Mich App 330, 331; 523 NW2d 635 (1994). In any case, plaintiff stated in his brief in opposition to defendant's motion for summary disposition that the "scars are clearly visible as photographs will indicate." In the brief, plaintiff did not state that a visual inspection was necessary. Accordingly, plaintiff did not satisfy his burden to show that a genuine issue of material fact existed. *Petaja, supra*, p 578.

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

Affirmed.

/s/ Myron H. Wahls
/s/ E. Thomas Fitzgerald
/s/ Leopold P. Borrello