

STATE OF MICHIGAN
COURT OF APPEALS

MARY PLOOF,

Plaintiff-Appellant,

v

GALINA MILMAN, SHARRA SHEGELMAN,
and RITA STURK,

Defendants-Appellees,

and

FARMERS INSURANCE EXCHANGE,

Defendant.

UNPUBLISHED

August 26, 2004

No. 246964

Oakland Circuit Court

LC No. 2001-033710-NI

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

MEMORANDUM.

The trial court granted summary disposition in favor of defendants in this negligence suit arising from an automobile accident based on a motion brought under MCR 2.116(C)(10). Plaintiff appeals as of right. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.215(E).

Plaintiff argues that the trial court erred in concluding that there was no evidence that she suffered a “serious impairment of body function.” We disagree. We review a grant of summary disposition under MCR 2.116(C)(10) de novo. *Dressel v Ameribank*, 468 Mich 557, 561; 664 NW2d 151 (2003). In doing so, we consider the facts in the light most favorable to plaintiff as the nonmoving party. *Id.*

MCL 500.3135(7) defines “serious impairment of body function” for present purposes as “an objectively manifested impairment of an important body function that affects the person’s general ability to lead his or her normal life.” While plaintiff refers to x-rays taken suggesting that she suffered some injury to her back, there is no evidence remotely indicating that any back injury caused her to suffer an impairment of an important body function. It is apparent that the real question is whether there was evidence that plaintiff sustained an injury to her right knee in the automobile accident at issue that constituted a serious impairment of body function. To qualify as an objectively manifested impairment that might constitute serious impairment of

body function, a condition must be a medically identifiable injury. *Jackson v Nelson*, 252 Mich App 643, 652-653; 654 NW2d 604 (2002); *Kreiner v Fischer*, ___ Mich ___; ___ NW2d ___ (Docket No. 124120, decided July 23, 2004). Arguably, there was medical evidence regarding plaintiff suffering a hematoma and bursitis to her right knee that could reasonably be considered objective evidence indicating that she suffered *some* medically identifiable injury as a result of the automobile accident. However, there was no medical evidence to objectively indicate that this rose to the level of causing her to suffer impairment of an important body function. Rather, plaintiff's orthopedic surgeon opined merely in quite conclusory terms that the additional trauma to plaintiff's right knee from the automobile accident appeared to make that knee, in which she already suffered from arthritis, "more symptomatic." This vague indication that the automobile accident aggravated symptoms in the knee to some undifferentiated degree is not enough to constitute objective evidence that any aggravation of the condition of the knee due to the automobile accident caused an impairment of an important body function. See *Karbel v Comerica Bank*, 247 Mich App 90, 97-98; 635 NW2d 69 (2001) (conjecture or speculation insufficient to create a genuine issue of material fact). Thus, the trial court correctly granted summary disposition in favor of defendants.

Affirmed.

/s/ Joel P. Hoekstra
/s/ Jessica R. Cooper
/s/ Kirsten Frank Kelly