

STATE OF MICHIGAN
COURT OF APPEALS

JOHN E. SVOBODA,

Plaintiff-Appellant,

v

MICHAEL J. CUNNINGHAM and SOMMERS,
SCHWARTZ, SILVER & SCHWARTZ, P.C.,

Defendants-Appellees.

UNPUBLISHED

March 6, 2007

No. 271797

Oakland Circuit Court

LC No. 2005-069780-NM

Before: Owens, P.J., and Neff and White, JJ.

WHITE, J. (*concurring*).

If defendants had a duty based on Cunningham's undertaking to investigate plaintiff's car accident claim, it was simply to inform plaintiff of his rights and obligations under the no-fault statute. Defendants never undertook to file a claim with plaintiff's insurance company, or to commence an action for benefits. The circuit court correctly determined that defendants were entitled to summary disposition on the issue of proximate cause. There is no genuine issue whether plaintiff was otherwise informed of the need to file a timely claim with his insurance company.

/s/ Helene N. White