

STATE OF MICHIGAN
COURT OF APPEALS

JENNIE LYNN HUGHEY,

Plaintiff-Appellant,

v

MINDY ANITA AMARAL,

Defendant-Appellee.

UNPUBLISHED

April 12, 2002

No. 228650

Saginaw Circuit Court

LC No. 98-025763-NI

Before: K.F. Kelly, P.J. and Doctoroff and Cavanagh, JJ.

MEMORANDUM.

Plaintiff appeals as of right the order granting defendant's motion for summary disposition under MCR 2.116(C)(10) in this automobile negligence action. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

A motion under MCR 2.116(C)(10) tests the factual sufficiency of the complaint. *Maiden v Rozwood*, 461 Mich 109, 120; 597 NW2d 817 (1999). In evaluating the motion, the court considers the evidence submitted in a light most favorable to the party opposing the motion. *Id.* Where the proffered evidence fails to establish a genuine issue regarding any material fact, the moving party is entitled to judgment as a matter of law. *Id.*

Plaintiff sustained bilateral carpal tunnel syndrome and cervical radiculopathy after an automotive accident with defendant. Defendant moved for summary disposition, arguing that plaintiff failed to meet the serious impairment of body function threshold of MCL 500.3135. The trial court granted the motion finding plaintiff failed to show her injuries affected her general ability to lead her normal life.

Under MCL 500.3135 a person remains subject to tort liability for noneconomic loss caused by her use of a motor vehicle only if the injured person has suffered death, serious impairment of a body function, or permanent serious disfigurement. 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). A plaintiff must show that the general ability to lead a normal life has been significantly altered by the injury. *Miller v Purcell*, 246 Mich App 244, 250; 631 NW2d 760 (2001).

Plaintiff has failed to do so in this case. She was able to return to work performing the same job duties. She testified that her daughter does household chores, such as laundry, cooking, and cleaning. There was no evidence that the accident changed plaintiff's recreational life. The trial court properly granted summary disposition where the record did not show a significant alteration in plaintiff's life.

Affirmed.

/s/ Kirsten Frank Kelly
/s/ Martin M. Doctoroff
/s/ Mark J. Cavanagh