STATE OF MICHIGAN

COURT OF APPEALS

EDNO DINO CASEY III,

        Plaintiff-Appellant,

v

BRIAN L. CLOWERS,

        Defendant-Appellee,

and

DAH TRUCKING COMPANY, INC., and CITY OF DETROIT,

        Defendants.

UNPUBLISHED
October 27, 2005

No. 262142
Wayne Circuit Court
LC No. 01-130385-NI

Before: Talbot, P.J., and White and Wilder, JJ.

PER CURIAM.

Plaintiff appeals as of right from the trial court's order granting defendant Brian Clowers' motion for summary disposition. Plaintiff challenges the trial court's determination that he failed to show that his injuries affected his general ability to lead his normal life, as is necessary to establish a serious impairment of body function under MCL 500.3135(1). We reverse. This case is being decided without oral argument pursuant to MCR 7.214(E).

A plaintiff may recover noneconomic damages under the no-fault act only where the plaintiff has suffered "death, serious impairment of body function, or permanent serious disfigurement." MCL 500.3135(1). "[S]erious impairment of body function" means "an objectively manifested impairment of an important body function that affects the person's general ability to lead his or her normal life." MCL 500.3135(7). To meet the requisite threshold, the impairment of an important body function must affect the course or trajectory of a person's entire normal life. *Kreiner v Fischer,* 471 Mich 109, 130-131; 683 NW2d 611 (2004).

Before the accident, plaintiff worked eleven-hour shifts as a city bus driver. Following his accident in April 2001, plaintiff did not resume working in full capacity as a bus driver until March 2004. Plaintiff primarily relies on the change in his ability to work during this period to establish that the impairment affected his general ability to lead his normal life.

Although the trial court concluded that plaintiff's "back and shoulder injuries constituted an impairment of an important body function that was objectively manifested," it held that because plaintiff was able to return to his position as a bus driver after approximately three years, his general ability to lead a normal life was not affected by the accident.

The trial court erred in determining that plaintiff could not establish a serious impairment of body function as a matter of law because he had returned to full-duty work as before, without restrictions. According to the trial court's view, an impairment cannot meet the threshold unless the change in the plaintiff's life is permanent. We acknowledge that in *Kreiner, supra,* our Supreme Court stated:

> [T]o "lead" one's normal life contemplates more than a minor interruption in life. To "lead" means, among other things, "to conduct or bring in a particular course." Given this meaning, the objectively manifested impairment of an important body function must affect the *course* of a person's life. Accordingly, the effect of the impairment on the course of a plaintiff's entire normal life must be considered. Although some aspects of a plaintiff's entire normal life may be interrupted by the impairment, if, despite those impingements, the course or trajectory of the plaintiff's normal life has not been affected, then the plaintiff's "general ability" to lead his normal life has not been affected and he does not meet the "serious impairment of body function" threshold. [*Id.* at 130-131 (footnotes omitted).]

But *Kreiner* also acknowledges that residual impairment is not mandatory and states, "[T]hat the duration of the impairment is short does not necessarily preclude a finding of a 'serious impairment of body function.'" *Kreiner, supra* at 134. In *Williams v Medukas,* 266 Mich App 505, 508; 702 NW2d 667 (2005), this Court recognized that "[a]n injury need not be permanent in order to be serious." Because the deficiency in the evidence identified by the trial court is inconsistent with the interpretation of MCL 500.3135(7) in *Williams* and *Kreiner,* the trial court's order granting summary disposition to defendant Clowers is reversed.

Reversed.

/s/ Michael J. Talbot
/s/ Helene N. White
/s/ Kurtis T. Wilder