

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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FRANK COLLINS,

Plaintiff-Appellant,

v

KALPANA RANGARAJAN and JAGAN  
RANGARAJAN,

Defendants-Appellees.

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UNPUBLISHED

April 20, 2006

No. 266603

Wayne Circuit Court

LC No. 04-420377-NI

Before: Murphy, P.J., and O’Connell and Murray, JJ.

PER CURIAM.

Plaintiff appeals as of right from a circuit court order granting defendants’ motion for summary disposition in this automobile negligence action. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

A trial court’s ruling on a motion for summary disposition is reviewed de novo. *Kefgen v Davidson*, 241 Mich App 611, 616; 617 NW2d 351 (2000). A motion brought under MCR 2.116(C)(10) tests the factual support for a claim. In ruling on such a motion, the trial court must consider not only the pleadings, but also depositions, affidavits, admissions, and other documentary evidence, MCR 2.116(G)(5), and must give the benefit of any reasonable doubt to the nonmoving party, being liberal in finding a genuine issue of material fact. Summary disposition is appropriate only if the opposing party fails to present documentary evidence establishing the existence of a material factual dispute. *Smith v Globe Life Ins Co*, 460 Mich 446, 455; 597 NW2d 28 (1999).

A person is subject to tort liability for automobile negligence if the injured person “suffered death, serious impairment of body function, or permanent serious disfigurement.” MCL 500.3135(1). A serious impairment of body function is defined as “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). Whether a person suffered a serious impairment of body function is a question of law for the court if there is no factual dispute about the nature and extent of the plaintiff’s injuries or there is a factual dispute but it is not material to the determination whether the plaintiff suffered a serious impairment of body function. MCL 500.3135(2)(a).

In *Kreiner v Fischer*, 471 Mich 109; 683 NW2d 611 (2004), the Court established a “multi-step process . . . to provide the lower courts with a basic framework for separating out those plaintiffs who meet the statutory threshold from those who do not.” *Id.* at 131.

The first three steps are not at issue. There is no material factual dispute regarding the nature and extent of plaintiff’s injuries, there is a genuine issue of fact whether plaintiff’s injury was objectively manifested, and the injury affected plaintiff’s ability to move his back, which is an important body function. *Harris v Lemicex*, 152 Mich App 149, 153; 393 NW2d 559 (1986).

If an important body function has been impaired and the impairment is objectively manifested, the next question is whether the impairment affected the plaintiff’s general ability to lead his normal life. *Kreiner, supra* at 132. In answering this question, the court is to compare the plaintiff’s life before and after the accident and consider “the significance of any affected aspects on the course of the plaintiff’s overall life.” *Id.* at 132-133. Factors to consider include “(a) the nature and extent of the impairment, (b) the type and length of treatment required, (c) the duration of the impairment, (d) the extent of any residual impairment, and (e) the prognosis for eventual recovery.” *Id.* at 133 (footnotes omitted). “Merely ‘any effect’ on the plaintiff’s life is insufficient because a de minimus effect would not, as objectively viewed, affect the plaintiff’s ‘general ability’ to lead his life.” *Id.* (emphasis in original; footnote omitted). In other words, “[a] negative effect on a particular aspect of an injured person’s life is not sufficient in itself to meet the tort threshold, as long as the injured person is still generally able to lead his normal life.” *Id.* at 137.

Plaintiff hurt his back in the accident, which occurred on June 19, 2003. Plaintiff suffered from intermittent back pain, which necessitated fewer than a dozen visits to the doctor. Plaintiff’s pain was treated with medication and occasional physical therapy sessions. At the time of the accident, plaintiff was already off work for other reasons. He returned to work on April 7, 2004, and was able to do his regular job, albeit with a lifting restriction. As of July 2004, plaintiff reported that he only had intermittent pain and was often pain-free despite engaging in regular physical activities including sports. The only residual impairments were limitations on plaintiff’s physical activities. Plaintiff testified that he no longer engaged in sports, but admitted that his doctors had not imposed a restriction on sports. “Self-imposed restrictions, as opposed to physician-imposed restrictions, based on real or perceived pain do not establish” residual impairment, *id.* at 133 n 17, and plaintiff did not provide any evidence that he was physically incapable of playing sports. See *McDaniel v Hemker*, 268 Mich App 269, 283; 707 NW2d 211 (2005). The only physician-imposed restriction was against housework and heavy lifting for the first nine months after the accident. This is a minor limitation that affects only one aspect of daily living. Because the evidence failed to show that plaintiff’s injuries affected his general ability to lead his normal life, the trial court properly granted defendants’ motion.

Affirmed.

/s/ William B. Murphy  
/s/ Peter D. O’Connell  
/s/ Christopher M. Murray