

STATE OF MICHIGAN
COURT OF APPEALS

LINDA OSMAN,

Plaintiff-Appellant,

v

EDDIE JULIO CASE, VIRGINIA NELSON CASE,
and CANNONBURG MARKET, INC.,

Defendants-Appellees.

UNPUBLISHED
November 7, 2000

No. 223145
Kent Circuit Court
LC No. 98-013109-NI

Before: Jansen, P.J., and Doctoroff and O'Connell, JJ.

PER CURIAM.

Plaintiff appeals as of right from an October 13, 1999, Kent Circuit Court order granting summary disposition in defendants' favor on the ground that MCL 500.3135(2)(c); MSA 24.13135(2)(c) barred plaintiff's action. We affirm.

Plaintiff sustained injuries when a vehicle that defendant Eddie Case was driving, while in the course of his employment with defendant Cannonsburg Market, struck her vehicle. Plaintiff then brought suit against defendants to recover damages for her alleged serious impairment of body function and permanent, serious disfigurement that she sustained in the accident. Defendants moved for summary disposition on the ground that MCL 500.3135(2)(c); MSA 24.13135(2)(c) barred plaintiff's suit because plaintiff's automobile insurance policy had lapsed one week before the accident. Plaintiff responded with a challenge to the constitutionality of the statutory provision. The trial court upheld its constitutionality and granted summary disposition in favor of defendants. Plaintiff now challenges the trial court's determination that MCL 500.3135(2)(c); MSA 24.13135(2)(c) was constitutional.

This Court's recent decision in *Stevenson v Reese*, 239 Mich App 513; 609 NW2d 195 (2000), is dispositive. In *Stevenson*, this Court concluded that MCL 500.3135(2)(c); MSA 24.13135(2)(c) violated neither the Equal Protection nor the Due Process Clauses of the

Michigan Constitution. *Id.*, 517-520. We follow *Stevenson*.

Affirmed.

/s/ Kathleen Jansen

/s/ Martin M. Doctoroff

/s/ Peter D. O'Connell