STATE OF MICHIGAN

COURT OF APPEALS

LILLIAN PEREZ, Guardian and Conservator for RAMON NAVARRO, Plaintiff-Appellant, v CINCINNATI INSURANCE COMPANY, Defendant-Appellee.	UNPUBLISHED June 13, 2006 No. 266796 Kent Circuit Court LC No. 05-007230-NI

Before: O'Connell, P.J., and Murphy and Wilder, JJ.

PER CURIAM.

In this action brought pursuant to the no-fault act, MCL 500.3101 *et seq.*, plaintiff appeals as of right from the trial court's order granting summary disposition pursuant to MCR 2.116(C)(7) to defendant. We affirm.

On January 3, 2001, while walking, Ramon Navarro was struck by a motor vehicle, suffering injuries that have left him incapacitated. Navarro had lived with plaintiff's family for the previous 20 years, and he and plaintiff referred to each other as uncle and niece. Navarro is not a licensed driver and did not own a motor vehicle. While Navarro was hospitalized, a hospital employee informed plaintiff that, because plaintiff and Navarro were related, Navarro's medical bills would be covered under her no-fault insurance policy. Consequently, plaintiff filed a claim on Navarro's behalf for PIP benefits with Harleysville Lakes States Insurance. Harleysville Lakes States Insurance paid PIP benefits to Navarro until December 15, 2004, when it discovered that plaintiff and Navarro were only fictive kin. On January 6, 2005, plaintiff filed a claim on Navarro's behalf for PIP benefits with defendant, the insurer of the car that struck Navarro. Defendant denied plaintiff's claim on the ground that it had not received timely notice of Navarro's claim for PIP benefits.

Plaintiff filed a complaint, requesting that the trial court determine the applicability of MCL 600.5851(1), the general saving provision of the Revised Judicature Act ("RJA"), to her claim. Defendant filed for summary disposition pursuant to MCR 2.116(C)(7) and argued that plaintiff's claim was barred by MCL 500.3145(1), the no-fault act's one-year statute of limitations. The trial court agreed with defendant, stating that this Court's decision in *Cameron v Auto Club Ins Ass'n*, 263 Mich App 95; 687 NW2d 354 (2004), precluded the application of MCL 600.5851(1) to the present case.

This Court reviews de novo a trial court's decision on a motion for summary disposition. *Smith v Globe Life Ins Co*, 460 Mich 446, 454; 597 NW2d 28 (1999). In reviewing a trial court's decision on a statute of limitations defense brought under MCR 2.116(C)(7), this Court "consider[s] all documentary evidence submitted by the parties, accepting as true the contents of the complaint unless affidavits or other appropriate documents specifically contradict it." *Bryant v Oakpointe Villa Nursing Centre, Inc*, 471 Mich 411, 419; 684 NW2d 864 (2004).

MCL 600.5851(1) states, in relevant part:

> Except as otherwise provided in subsections (7) and (8), if the person first entitled to make an entry or bring an action under this act is under 18 years of age or insane at the time the claim accrues, the person or those claiming under the person shall have 1 year after the disability is removed . . . to make the entry or bring the action although the period of limitations has run.

In *Cameron*, *supra* at 101, this Court held that MCL 600.5851(1) does not apply to MCL 500.3145(1) because a cause of action brought pursuant to the no-fault act is not "an action under [the RJA]." On appeal, plaintiff makes numerous arguments with respect to why she believes *Cameron* was wrongly decided. However, *Cameron* is a published opinion of this Court and has not yet been altered or questioned by the Supreme Court, so we are bound to follow it. MCR 7.215(C)(2). Therefore, we reject plaintiff's claim that *Cameron* should not apply because it was wrongly decided.

Second, plaintiff claims that MCL 600.5851(1), as interpreted by the Court in *Cameron, supra*, violates equal protection because MCL 600.5851(1) now discriminates between insane persons who bring a cause of action under the no-fault act and insane persons who bring any other cause of action. We disagree. Recently, in *Hatcher v State Farm Mut Automobile Ins Co*, 269 Mich App 596; ___ NW2d ___ (2005), this Court held that MCL 600.5851(1), as applied in *Cameron*, *supra*, was not unconstitutional because the 1993 amendments to MCL 600.5851(1) were rationally related to the Legislature's legitimate interest of protecting potential defendants from stale and fraudulent claims. Because *Hatcher* is a published opinion of this Court, we are bound to follow it. MCR 7.215(C)(2). Accordingly, we reject plaintiff's claim that this Court's decision in *Cameron, supra*, renders MCL 600.5851(1) unconstitutional.

Finally, plaintiff claims that this Court should apply the doctrine of equitable tolling to the present case. However, plaintiff has not provided this Court with any explanation or analysis with respect to her argument that equitable tolling should apply. A party may not merely announce her position and leave it to the Court to discover and rationalize the basis for her claim. *Wilson v Taylor*, 457 Mich 232, 243; 577 NW2d 100 (1998). Plaintiff has abandoned this issue. *Id.* Because plaintiff failed to present any evidence that defendant paid her benefits or received notification of the injury within the no-fault act's one-year statutory limitations period, the trial court correctly dismissed her claims. MCL 500.3145(1).

Affirmed.

/s/ Peter D. O'Connell
/s/ Kurtis T. Wilder

I concur in result only.

/s/ William B. Murphy