

STATE OF MICHIGAN
COURT OF APPEALS

DLT II, a legally protected person, by Next Friend
DANNY W. THOMASON, and DANNY W.
THOMASON individually,

Plaintiffs-Appellees,

v

ALLSTATE INSURANCE COMPANY, also known
as ASMI AUTO INSURANCE,

Defendant/Cross-Plaintiff/Cross-
Defendant-Appellant,

and

MICHELLE HOFFMAN,

Defendant/Cross-Defendant/Cross-
Plaintiff.

UNPUBLISHED
May 25, 2023

No. 360502
Calhoun Circuit Court
LC No. 2011-000281-NF

Before: MARKEY, P.J., and MURRAY and FEENEY, JJ.

FEENEY, J (*concurring*).

I concur in the result reached by the majority, but write separately to respectfully express my belief that *Andary*¹ was correctly decided and we are bound to follow it. I believe there is no clear, direct and unequivocal intent expressed in 2019 PA 21 and 2019 PA 22 to apply the statute retroactively.

/s/ Kathleen A. Feeny

¹ See *Andary v USAA Cas Ins Co*, ___ Mich App ___, ___ NW2d ___ (2022) (Docket No. 356487), lv gtd 510 Mich 944; 979 NW2d 823 (2022).