

Order

Michigan Supreme Court
Lansing, Michigan

February 6, 2013

Robert P. Young, Jr.,
Chief Justice

145188

Michael F. Cavanagh
Stephen J. Markman
Mary Beth Kelly
Brian K. Zahra
Bridget M. McCormack,
Justices

UNITED SERVICES AUTOMOBILE
ASSOCIATION,
Plaintiff/Counter-Defendant/Appellant,

v

SC: 145188
COA: 299307
Ottawa CC: 09-001140-NF

CHARLES RIMBEY and TERRY PARK,
co-guardians of RANA REYES, a legally
incapacitated individual,
Defendants-Appellees,

and

SPECTRUM HEALTH HOSPITALS and
SPECTRUM HEALTH CONTINUING CARE,
Defendants/Counter-Plaintiffs/Appellees.

On order of the Court, the application for leave to appeal the April 19, 2012 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we REVERSE in part the judgment of the Court of Appeals. The trial court clearly erred in awarding the defendants attorney fees pursuant to MCL 500.3148(1), because the plaintiff's initial refusal to pay benefits under the no-fault act was based on a legitimate question of factual uncertainty as to whether Rana Reyes suffered "accidental bodily injury" pursuant to MCL 500.3105(1) and (4). *Ross v Auto Club Group*, 481 Mich 1, 11 (2008). In all other respects, leave to appeal is DENIED, because we are not persuaded that the remaining question presented should be reviewed by this Court.



h0130

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

February 6, 2013

Corbin R. Davis

Clerk