

Order

Michigan Supreme Court
Lansing, Michigan

October 22, 2014

Robert P. Young, Jr.,
Chief Justice

149431

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

DANIEL WIEDYK,
Plaintiff-Appellee,

v

SC: 149431
COA: 308141
Midland CC: 06-009751-NI

JOHN PAUL POISSON and TRAVERSE
CITY LEASING, d/b/a HERTZ,
Defendants-Appellants.

On order of the Court, the application for leave to appeal the April 24, 2014 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 the judgment of the Court of Appeals and REINSTATE the Midland Circuit Court's December 27, 2011 judgment for the defendants. The trial court was not required to expressly rule on whether the plaintiff's attempt to expand the record on remand with his affidavit was proper, and even if the affidavit was considered by the trial court, it did not err in determining that summary disposition for the defendants was warranted. When considered in light of the record developed in this case, the affidavit's conclusory allegations regarding the extent of the plaintiff's injuries and impairments, nearly all of which the plaintiff suffered prior to the accident in question, were insufficient to create a genuine issue of material fact as to whether the plaintiff's ability to lead his pre-accident lifestyle was impacted by the 2005 accident. *Quinto v Cross & Peters Co*, 451 Mich 358, 362, 371-372 (1996); *McCormick v Carrier*, 487 Mich 180, 202 (2010); see also *Bergen v Baker*, 264 Mich App 376, 389 (2004).



d1015

I, Larry S. Royster, 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.

October 22, 2014

Clerk