

Mini Tort Question

8 messages

Milroy, Michael <michael.milroy@kentcountymi.gov>
Reply-To: madcm@googlegroups.com
To: "madcm@googlegroups.com" <madcm@googlegroups.com>

Thu, Jan 25, 2018 at 1:07 PM

Good Afternoon,

This fact scenario comes up from time to time. Plaintiff hauling boat on trailer. Defendant rear ends plaintiff while the respective vehicles were operating on the highway. Damage ONLY to trailer and boat. No damage to plaintiff's vehicle. Defendant did have insurance on his vehicle at the time, as did plaintiff.

As I see these cases the trailer and boat damage will not be recovered through mini tort. The damage is not considered damage to a motor vehicle as to come under MCL 500.3135.

Appreciate your thoughts as to how you have handled these cases in your courts. Thank you.

Michael J. Milroy

Magistrate

63rd District Court

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Greg Block <gblock@co.lake.mi.us>
Reply-To: madcm@googlegroups.com
To: "madcm@googlegroups.com" <madcm@googlegroups.com>

Thu, Jan 25, 2018 at 1:26 PM

Mike, what about MCL 500.3101(2)(h)?

From: madcm@googlegroups.com [mailto:madcm@googlegroups.com] **On Behalf Of** Milroy, Michael
Sent: Thursday, January 25, 2018 1:08 PM
To: 'madcm@googlegroups.com'
Subject: Mini Tort Question

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james brennan <jamesbrennanlaw64@gmail.com>
Reply-To: madcm@googlegroups.com
To: Jonathan Morse <madcm@googlegroups.com>

Thu, Jan 25, 2018 at 1:58 PM

My problem is that mcl 500.3135 says damages to a motor vehicle. I agree with you, Mike.
[Quoted text hidden]

Greg Block <gblock@co.lake.mi.us>
Reply-To: madcm@googlegroups.com
To: "madcm@googlegroups.com" <madcm@googlegroups.com>

Thu, Jan 25, 2018 at 2:57 PM

Haven't looked at the cases but you might want to check out 135 MA 465, 121 MA 208, Seems these cases say trailer is a motor vehicle.

From: madcm@googlegroups.com [mailto:madcm@googlegroups.com] **On Behalf Of** james brennan
Sent: Thursday, January 25, 2018 1:59 PM
To: Jonathan Morse
Subject: RE: Mini Tort Question

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Wiewiora, John <WiewioraJo@co.muskegon.mi.us>
Reply-To: madcm@googlegroups.com
To: "madcm@googlegroups.com" <madcm@googlegroups.com>

Thu, Jan 25, 2018 at 2:49 PM

I agree with Mr. Block and would hold that anything in or on either the trailer or the car/truck is subject to the \$1000 limitation.

From: madcm@googlegroups.com [mailto:madcm@googlegroups.com] **On Behalf Of** james brennan
Sent: Thursday, January 25, 2018 1:59 PM
To: Jonathan Morse
Subject: RE: Mini Tort Question

My problem is that mcl 500.3135 says damages to a motor vehicle. I agree with you, Mike.

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[Quoted text hidden]

Milroy,Michael <michael.milroy@kentcountymi.gov>
Reply-To: madcm@googlegroups.com
To: "madcm@googlegroups.com" <madcm@googlegroups.com>

Thu, Jan 25, 2018 at 5:07 PM

Definition of "motor vehicle" is exactly the issue I am wrestling with on this case. The No-Fault Act defines a "motor vehicle" as follows:

- (i) "Motor vehicle" means a vehicle, including a trailer, that is operated or designed for operation on a public highway by power other than muscular power and has more than 2 wheels.

Let's assume my trailer has 2 wheels. Is the boat viewed as contents? Would he only get damages up to \$1,000 for injury to the trailer?

Greg, I will check tomorrow the cases you suggested. The trailer issue does come up in first party no fault cases for PIP benefits. Where is the Sinas Dramis "No Fault Red Book" when you need it?

Thanks for the help.

Milroy

From: madcm@googlegroups.com [mailto:madcm@googlegroups.com] **On Behalf Of** Greg Block
Sent: Thursday, January 25, 2018 2:58 PM
To: madcm@googlegroups.com

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James Pahl <jbpahl0824@gmail.com>
Reply-To: madcm@googlegroups.com
To: MADCM <madcm@googlegroups.com>

Thu, Jan 25, 2018 at 5:13 PM

The definition clearly states trailer and I maintain that includes contents of any type.
Jim
55th



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Milroy,Michael <michael.milroy@kentcountymi.gov>
Reply-To: madcm@googlegroups.com
To: "madcm@googlegroups.com" <madcm@googlegroups.com>

Thu, Jan 25, 2018 at 5:53 PM

Oops. I caught a typo in my last post. My plaintiff's trailer has four (4) wheels. Again thanks for the help.

Milroy

From: madcm@googlegroups.com [mailto:madcm@googlegroups.com] **On Behalf Of** Milroy,Michael
Sent: Thursday, January 25, 2018 5:08 PM
To: madcm@googlegroups.com
Subject: RE: Mini Tort Question

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