

# Michigan Court of Appeals Rules in Favor of Novara Law Client

09.21.2023

Novara Law is pleased to announce a favorable unanimous opinion this week from the Michigan Court of Appeals for an insurance client. The trial court's decision was overturned and summary disposition was ordered in the client's favor.

The plaintiff in the case had a heart attack either before or after a motor vehicle accident. Lawyers for the plaintiff argued that the accident caused the heart attack, entitling them to personal injury protection (PIP) benefits. However, Novara Partner Kaitlyn Cramer presented evidence to the Court that a medical examiner concluded the cause of death was "natural" and that a witness reported seeing the plaintiff slumped over the wheel before the collision. She also argued that, in contrast to the defense, the plaintiff had provided no evidence beyond speculation to support their theory.

The Court of Appeals agreed and thereby reversed the trial court's decision, entering dismissal. The parties had agreed to a consent judgment in order to pursue the appeal, but since the plaintiff did not prevail, Cramer's arguments saved the client \$75,000.

## PROFESSIONALS

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Kaitlyn A. Cramer

## PRACTICE AREAS

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Appeals

Insurance Defense

Litigation