

## MSC Order: Berkeypile v. Westfield Insurance Co.

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17. March 2010

In *Berkeypile v. Westfield Insurance Co.*, No. 137353, the Michigan Supreme Court reversed the decision of the Court of Appeals and reinstated the circuit court's order granting summary disposition to the defendant. The Court heard oral argument on the application on December 8, 2009. On Friday, March 12, 2010, the Court concluded that the defendant insurance company was not liable to the plaintiff for uninsured motorist coverage because the plaintiff's policy limited her the maximum recovery to the highest policy limit of any single policy available. The highest policy available was \$300,000, the limit of the defendant's uninsured motorist coverage. But the plaintiff recovered \$332,500 in settlements with underinsured drivers-more than the highest policy limit of any single policy available.

Chief Justice Kelly and Justice Hathaway would have denied leave to appeal. Justice Weaver would have granted leave to appeal.