

## MSC Orders: December 3, 2010

4. December 2010 By Matthew Nelson

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The Michigan Supreme Court ordered oral argument on the application in *Farmers Insurance Exchange v. Young*. The case raises a fact-intensive issue of whether the “joyriding exception” to the No-Fault Act’s requirement that personal protection insurance benefits be extended to an individual suffering accidental bodily injury in an accident.

In *Young*, the plaintiff was injured in an accident while driving an intoxicated friend to her home. The friend was using the car without the owner’s permission, and the plaintiff knew that car’s owner would not allow the plaintiff to use the car and that the owner likely had not given permission to the intoxicated individual to use the vehicle. None of the parties or vehicles in the accident were insured. The plaintiff sought personal-protection benefits from the Assigned Claims Facility. Farmers Insurance was assigned the claim. Farmers denied coverage because the plaintiff had taken and used the vehicle without consent. The plaintiff brought a declaratory judgment action and lost. The trial court agreed with Farmers that the plaintiff was not entitled to no-fault benefits. The plaintiff appealed. The Court of Appeals [affirmed](#), reasoning that Young took the vehicle unlawfully. Judge O’Connell [dissented](#) because he believes that although the trial court concluded that the plaintiff had unlawfully used the vehicle, it did not address whether the plaintiff had unlawfully “taken” the vehicle as required to establish the joyriding exception.

The Michigan Supreme Court also denied 12 applications for leave to appeal and 2 motions for reconsideration.