



Dear State Legislator:

At this critical juncture, I am compelled to write to you asking for your support of HB 4301.

As the coordinator of the Coalition Protecting Auto No-fault (CPAN), I take pride in participating in this historic coalition. Our group has brought together a diverse set of parties that feel it is imperative to save Michigan's no-fault system and fix what has become known as the Kreiner Tragedy. Groups such as the AARP, UAW, AFL-CIO, health care organizations, patients' rights advocates, doctors and hospitals have united in support of our efforts.

The debate on the Kreiner ruling stems from a 2004 Supreme Court decision that redefined the legislature's 1995 interpretation of the phrase, "serious impairment of body function," to a lofty definition of threshold that stated "the course or trajectory," of the victim's life had to be altered and, "for the most part," victims need to be unable to live normal lives due to injuries that were, "pervasive and extensive."

The new definition was not based on any case history, but through the interpretation provided by the majority in a vigorously contested 4-3 ruling — an attempt to legislate from the bench.

Since the Kreiner ruling, there have been approximately 165 unpublished Court of Appeals decisions that implemented its severe limitations. Of those 165 cases, the innocent victims lost 140 times. Cases such as Mary Yovan's, who was 76 when she suffered six broken ribs and a collapsed lung after she was broadsided by another car, represent hundreds of other victims of drunk and reckless driving accidents that have had their cases thrown out because of a definition of threshold that was never intended by the legislature in the first place and is based on not one shred of legislative history.

The balance and fairness our no-fault system created 33 years ago has been lost in favor of the insurance industry and their ability to amass billions in profits why innocent victims of auto accidents get no compensation for losses to their quality of life.

Grandparents that can't play with their grandchildren, carpenters that have to file bankruptcy because they can no longer work, people who have had reconstructive knee surgery and can't return to work — these are examples of cases that have been thrown out because they don't meet a completely unreasonable definition of threshold that is based on nothing but judicial activism. I ask you, is this fair and balanced?

Please, support our board-based coalition and the rights of everyone in Michigan, and vote yes on HB 4301. Because the 76-year-old woman might be your mother, the carpenter might be your son or the woman with a reconstructed knee could be your daughter.

Sincerely,

Kevin McKinney
Coordinator, Coalition Protecting Auto No-fault