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CHRISTOPHER D. MESSING

Areas of Practice: No-Fault, First and Third-Party Motor Vehicle Liability
Premises Liability
Property Damage
Product Liability
Contract Disputes
Trial Practice

Education: Michigan State University College of Law (J.D., *magna cum laude*, 2014)
Oakland University (B.A. 2014)

Bar Admissions: State of Michigan (2014)
United States District Court for the Eastern District of Michigan
United States District Court for the Western District of Michigan
United States Court of Appeals for the Sixth Circuit

Organizations: Association of Defense Trial Counsel – Board of Directors (May 2021-Present)

Employment: Attorney at Harvey Kruse, PC, 2014-Present
Shareholder since January 2022

Experience: Mr. Messing has experience litigating matters in state and federal courts. During law school, he worked in the Clerk's Office of the Michigan Court of Appeals where he gained insight into the appellate process, which has assisted his success in both state and federal appeals courts. He has also worked as an intern in the Compliance Office of the University of Michigan Health System where he worked on issues involving HIPAA and healthcare fraud and abuse.

Honors and Awards:

Jurisprudence Awards in Advocacy, Constitutional Law, and Securities
Regulation
MSU Law Review Editor

Representative Matters:

- In *Tiller v. Amerisure*, Wayne County Circuit Court, we obtained summary disposition in a no-fault suit where the plaintiff failed to properly submit an application for benefits or to submit medical bills to Amerisure prior to filing suit. We prevailed on our argument that Plaintiff lacked standing to sue because the 30-day requirement found in MCL 500.3142 had not lapsed prior to the filing of suit.
- In *Tiller v. Royal One Transportation*, Wayne County Circuit Court, we prevailed on summary disposition in an automobile negligence suit by demonstrating that the plaintiff's claimed injuries did not meet the no-fault threshold found in MCL 500.3135. We successfully argued that the plaintiff's alleged injuries were not objectively manifested in the absence of radiology studies showing acute injury, and also that the plaintiff's life was not meaningfully altered by her alleged injuries.
- In *Quinton Morris v. PCI Industries*, Oakland County Circuit Court, we obtained summary disposition on the basis that the plaintiff's claims were barred by the worker's compensation exclusive remedy provision, MCL 418.131. The plaintiff was involved in a motor vehicle accident where the brakes allegedly failed on a vehicle supplied by the plaintiff's employer. There was a dispute as to whether the plaintiff was in the course and scope of his employment at the time of the subject accident because the plaintiff's employer took the position that the plaintiff had deviated from employment and was in-route to a scrap metal yard to illegally sell his employer's construction materials when the accident occurred. However, the plaintiff denied those allegations at his deposition and testified that he never deviated from the course and scope of employment. We filed a motion for summary disposition arguing that, taking all reasonable inferences in the light most favorable to the plaintiff, the plaintiff was in the course and scope of his employment at the time of the accident. The plaintiff argued that a question of fact existed because his employer took an opposite view. Ultimately, the judge agreed with our argument that summary disposition standard required the Court to accept the plaintiff's point of view, which meant dismissal of the case under MCL 418.131.
- In *Al-Shaibani v. Amerisure*, Wayne County Circuit Court, we prevailed on a motion for summary disposition in no-fault case by demonstrating lack of coverage for an out-of-state trucking accident where the plaintiff was driving under dispatch for an Amerisure insured. Because the specific truck was not listed on the Amerisure policy, we were able to demonstrate that no coverage existed, even where Amerisure insured the trucking company.
- In *Hedo v. Amerisure*, Wayne County Circuit Court, we prevailed on a motion for summary disposition in no-fault case by demonstrating lack of coverage for an out-of-state trucking accident where the plaintiff was driving under dispatch for an Amerisure insured. Because the specific truck was not listed on the Amerisure policy, we were able to demonstrate that no coverage existed, even where Amerisure insured the trucking company.
- In *England v. Amerisure*, we obtained summary disposition in a no-fault priority dispute by successfully demonstrating that Allstate was in higher priority. Allstate was the personal insurer of the registered owner of the vehicle. Amerisure insured the medical transportation business for which the vehicle was being used at the time of the accident. Allstate argued that Amerisure was higher in priority as the commercial insurer.

However, the Court agreed with our argument that MCL 500.3114(4) placed Allstate in priority as the insurer of the vehicle's registered owner.

- In *Johnson v. Amerisure*, Wayne County Circuit Court, we had summary disposition granted in a no-fault suit where the plaintiff failed to properly submit an application for benefits or to submit medical bills to Amerisure prior to filing suit. We prevailed on our argument that the plaintiff lacked standing to sue because the 30-day requirement found in MCL 500.3142 had not lapsed prior to the filing of suit.
- In *Aligned Chiropractic v. Amerisure*, Wayne County Circuit Court, we obtained partial summary disposition under the one-year back rule MCL 500.3145 by successfully arguing that the tolling provision in the June 2019 amendment to MCL 500.3145 failed to apply where the plaintiff failed to demonstrate reasonable diligence in pursuing its claims.
- In *Infinity Physical Therapy v. Amerisure*, Wayne County Circuit Court, we obtained partial summary disposition under the one-year back rule MCL 500.3145 by successfully arguing that the tolling provision in the June 2019 amendment to MCL 500.3145 failed to apply where the plaintiff failed to demonstrate reasonable diligence in pursuing its claims.
- In *Prime Medical Transportation v. Amerisure*, Wayne County Circuit Court, we obtained partial summary disposition under the one-year back rule MCL 500.3145 by successfully arguing that the tolling provision in the June 2019 amendment to MCL 500.3145 failed to apply where the plaintiff failed to demonstrate reasonable diligence in pursuing its claims.
- In *Tox Testing (Edward White) v. Amerisure*, Wayne County Circuit Court, we won a motion for summary disposition, and obtained \$500 award of costs and attorney fees where the plaintiff providers sought no-fault benefits in a case that should have been filed in worker's compensation court.
- In *Crutcher v. Chapman*, Wayne County Circuit Court, the plaintiff alleged neurological injuries following a motor vehicle accident in which she was a passenger in a vehicle that was struck by a vehicle that ran a stop sign. We obtained summary disposition in Wayne County Circuit Court by demonstrating that the plaintiff was unable to meet her burden of proof under the closed-head injury exception found in MCL 500.3135(2)(a)(ii). The plaintiff was diagnosed with occipital notch tenderness, facial paresthesia, and trigeminal neuritis following the accident. We demonstrated that Plaintiff's physicians were unable to attribute Plaintiff's neurological issues to the accident.
- In *Crutcher v. Chapman*, Michigan Court of Appeals, the plaintiff appealed the trial court's grant of summary disposition in favor of our client. The plaintiff argued that a genuine issue of material fact existed as to whether the plaintiff's trigeminal neuritis and other neurological issues could be causally related to the subject motor vehicle accident. We demonstrated to the Court of Appeals that the trial court reached the correct result. The Court of Appeals also agreed with our arguments that the plaintiff's physical complaints could not be objectively diagnosed or relatable to the accident.
- In *Hurley Medical Center v. Auto-Owners Insurance Company*, 52-4 District Court, the plaintiff sought no-fault personal protection insurance benefits on behalf of its patient for medical treatment provided as a result of injuries the patient sustained while

attempting to connect a trailer to a parked vehicle. We obtained summary disposition by successfully arguing that the parked vehicle exception of MCL 500.3106 did not apply to the claimant who sustained a finger injury while hitching a trailer to a truck. We demonstrated to the court that hitching a trailer did not constitute loading/unloading of cargo because the trailer itself did not constitute “cargo.”

- In *Orthopedic PC v. Integon*, 46th District Court, the plaintiff filed suit against the no-fault insurer as a medical provider of the allegedly injured party. The applicable insurance policy contained a provision that prohibited the assignment of rights under the policy. We obtained summary disposition by demonstrating that the plaintiff’s cause of action was precluded under the terms of the applicable insurance policy.
- In *Sanders v. English, et al.*, Oakland County Circuit Court, we obtained summary disposition by demonstrating that, as a matter of law, the plaintiff was unable to establish she had sustained threshold injuries under MCL 500.3135. The plaintiff had a pre-existing lumbar spine condition that required surgery prior to the subject accident. The plaintiff alleged an exacerbation of the lumbar spine condition, as well as a cervical spine injury from the accident. We successfully argued that all limitations on daily life complained of by the plaintiff existed prior to the motor vehicle accident, and thus the plaintiff’s general ability to lead her normal life was unchanged by the subject accident.
- In *Sanders v. English, et al.*, Michigan Court of Appeals, the plaintiff appealed the trial court’s order granting summary disposition to the defendants. We demonstrated to the Court of Appeals that no genuine issue of material fact existed and that the plaintiff’s claimed injuries could not be shown to have had a negative impact on her general ability to lead her normal, pre-accident lifestyle.
- In *Gaffney v. Roof-Rite*, Oakland County Circuit Court, we obtained summary disposition of the plaintiff’s negligence claim in a roofing case under the economic loss doctrine. The plaintiff brought claims for breach of contract and negligence, alleging that the roofing work performed by the defendant resulted in mold in their house. We successfully argued that the negligence action pled by the plaintiff was precluded because any duty owed arose by contract, not common law.
- In *England v. Amerisure Insurance Company*, we obtained summary disposition in a no-fault dispute on the basis of priority by successfully arguing that there was no insurance coverage. The co-defendant, Allstate Insurance Company, argued that coverage existed under a liability provision in the Amerisure insurance policy. The trial court agreed with our analysis that the provision relied upon by the co-defendant was not applicable in a PIP action.
- In *Gusmano v. Brownie’s Muffler Service, et al.*, Macomb County Circuit Court, the plaintiff was involved in a motor vehicle accident when his brakes allegedly failed due to a hole in the brake line. The plaintiff alleged that the defendant had negligently installed the brakes on the subject vehicle, resulting in the failure of the brake lines. We argued to the trial court that there was no evidence supporting the plaintiff’s claim that changing brake pads resulted in a hole in the brake line. The trial court granted our motion for summary disposition, finding that the plaintiff had not presented sufficient evidence to support a causal connection between the brake work and the hole in the brake line.
- In *Gusmano v. Brownie’s Muffler Service, et al.*, Michigan Court of Appeals, the plaintiff appealed the trial court’s grant of summary disposition, and argued that the

testimony of his expert that changing brake pads could result in a brake line hole created a genuine issue as to causation that should have been presented to a jury. We argued to the Court of Appeals that the testimony by the plaintiff's expert was speculative and was insufficient to demonstrate any negligence by the brake technician in this case. The Court of Appeals affirmed the grant of summary disposition in our favor.