

STATE OF MICHIGAN
COURT OF APPEALS

RICHARD A. SHEATS,

UNPUBLISHED

Plaintiff-Appellant,

v

No. 180171

Oakland Circuit Court

LC No. 93-460893

AKZO COATINGS, INC., STEVEN S. SADLAK
and GLENN D. THORNLEY,

Defendants-Appellees.

Before: Marilyn Kelly, P.J., and MacKenzie and Gribbs, JJ.

MARILYN KELLY, P.J. (concurring in part and dissenting in part).

I agree with the majority in affirming the trial court's grant of defendants' motion for summary disposition on plaintiff's claims for breach of employment contract for just cause termination, tortious interference with contractual relations, defamation and promissory fraud.

I would reverse the trial court's decision to grant defendants' motion for summary disposition on plaintiff's claim for breach of contract forbidding supervision by defendant Sadlak. Plaintiff testified at his deposition that, before this transfer, he informed agents of defendant Akzo coatings that he did not want to work for Sadlak because he disliked him. During contract negotiations, company officials assured plaintiff that he would not be forced to work for Sadlak, but would be placed with Martin Havlin. Plaintiff submitted a company memorandum in support of his contention, and a supervisor with defendant Akzo further acknowledged the agreement.

Consequently, plaintiff presented evidence raising a triable issue of fact concerning the existence of a contract where he would not be required to work under Sadlak during his employment with defendant Akzo.

/s/ Marilyn Kelly

* Circuit judge, sitting on the Court of Appeals by assignment.