

STATE OF MICHIGAN
COURT OF APPEALS

PATTI HOLLAND and TIMOTHY HOLLAND,

Plaintiffs-Appellants,

v

CITY OF LANSING, JACK NELSON, ELEANOR
LOVE and DONNA WYNANT,

Defendants-Appellees.

UNPUBLISHED
October 31, 1997

No. 185667
Ingham Circuit Court
LC No. 94-076686-NZ

Before: Gribbs, P.J., and Sawyer and Young, JJ.

PER CURIAM.

Plaintiffs appeal as of right from the trial court's order granting summary disposition to defendants in this case arising out of plaintiffs' operation of two adult foster-care facilities in the City of Lansing. We affirm.

On February 1, 1992, plaintiffs filed the instant lawsuit, alleging that defendants engaged in a pattern of discrimination and harassment in an attempt to prevent plaintiffs from operating their adult foster-care facilities. The complaint alleged that defendants denied plaintiffs' requests for special land use and building permits, and held plaintiffs' buildings to more stringent code requirements. The 181-paragraph complaint sought damages and injunctive relief, alleging state claims of discrimination in violation of the Handicappers' Civil Rights Act (HCRA), MCL 37.1101 *et seq.*; MSA 3.550(101) *et seq.* (Count I), age discrimination in violation of Michigan's Civil Rights Act, MCL 37.2101 *et seq.*; MSA 3.548 (101) *et seq.* (Count II), violation of the Adult Foster Care Facility Licensing Act, MCL 400.701 *et seq.*; MSA 16.610(51) *et seq.* (Count III), violation of public policy (Count IV), and tortious interference with contractual and business relations (Count VI). Plaintiffs also alleged claims, pursuant to 42 USC 1983, that defendants, acting under color of state law, violated plaintiffs' federal due process and equal protection rights, and also committed various violations of federal law (Counts V and VII).

Defendants brought a motion for summary disposition under MCR 2.116(C)(7), (C)(8), and (C)(10). The trial court granted defendants' motion for summary disposition and dismissed all counts of

plaintiffs' complaint. The trial court based its decision on governmental immunity (Count VI), the two-year statute of limitations contained in the Federal Fair Housing Act, 42 USC 3601 *et seq.*, failure to state a claim, qualified immunity, and failure to exhaust existing administrative remedies. We review the trial court's decision de novo on appeal. *Stehlik v Johnson (On Rehearing)*, 206 Mich App 83, 85; 520 NW2d 633 (1994). Plaintiffs limit their appeal to the dismissal of their age discrimination, handicapper discrimination, violation of public policy, and § 1983 claims.

Plaintiffs argue that the trial court erred in dismissing their discrimination claims brought pursuant to the Civil Rights Act and HCRA. We disagree. After a thorough review of the record, we conclude that plaintiffs have failed to demonstrate the existence of any genuine issue of material fact that would preclude summary disposition under MCR 2.116(C)(10). Consequently, the trial court's decision to dismiss those claims is affirmed. See *Radtke v Everett*, 442 Mich 368, 374; 501 NW2d 155 (1993); *Skinner v Square D Co*, 445 Mich 153, 161; 516 NW2d 475 (1994); *Marsh v Dep't of Civil Service (After Remand)*, 173 Mich App 72, 77-78; 433 NW2d 820 (1988).¹

Plaintiffs also contend that the trial court erred in dismissing their claim for violation of public policy. We disagree. Without citation to authority, plaintiffs state that "it is the public policy of this state and this Nation to disburse people living in group homes and adult foster care homes into the general population." However, because plaintiffs' have not demonstrated the existence of a common law right to be free of age or handicapper discrimination, and because the Civil Rights Act and HCRA specifically prohibit the type of discriminatory conduct alleged by plaintiffs, the remedies provided by those statutes are exclusive. Thus, plaintiffs' public policy claim cannot be sustained. See *Dudewicz v Norris-Schmid, Inc*, 443 Mich 68, 78-80; 503 NW2d 645 (1993). Moreover, we believe that plaintiffs' public policy claim suffers from the same shortcomings as their claims under the Civil Rights Act and HCRA.

Plaintiffs argue that the trial court erred in granting summary disposition on their claims brought under 42 USC 1983. We deem this issue abandoned because it is insufficiently briefed. *Dresden v Detroit Macomb Hosp Corp*, 218 Mich App 292, 300; 553 NW2d 387 (1996). A party is not permitted to merely announce its position and leave it to us to discover and rationalize the basis for the claim. *In re Toler*, 193 Mich App 474, 477; 484 NW2d 672 (1992).

Finally, because plaintiffs' cause of action suffers from deficiencies that cannot be overcome, we conclude that the trial court properly denied plaintiffs' request to amend their complaint. See MCR 2.116(I)(5).

Affirmed.

/s/ Roman S. Gibbs
/s/ David H. Sawyer
/s/ Robert P. Young, Jr.

¹ In any event, we question the competency of plaintiffs' so-called "affidavit" that was filed in response to defendants' motion for summary disposition. That document merely incorporates the allegations contained in the complaint.