

STATE OF MICHIGAN
COURT OF APPEALS

BARBARA BROWN, GAIL GRANBERRY,
PAULETTE WHITTED, TERESA ERQUHART,
NANCY HAIRSTON, RENEE BUSH and
GLORIA BLACK,

UNPUBLISHED
February 16, 2001

Plaintiffs-Appellants,

v

DETROIT MEDICAL CENTER, JOYCE
KENYON, JENE WYNN, DONNA MAYS,
LENNETTE SCOTT and SUSAN RITZERT,

No. 219060
Wayne Circuit Court
LC No. 97-735820-NO

Defendants-Appellees.

Before: Collins, P.J., and Doctoroff and White, JJ.

MEMORANDUM.

Plaintiffs appeal as of right the order granting defendants summary disposition under MCR 2.116(C)(10) in this employment discrimination action. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Plaintiffs were employed by Detroit Medical Center in various positions, and were discharged for a variety of reasons. They brought this action under the Civil Rights Act, MCL 37.2101 *et seq.*; MSA 3.548(101) *et seq.*, alleging that the discharges were discriminatory. The trial court granted defendants' motion for summary disposition, finding that plaintiffs failed to state a prima facie case of discrimination.

To establish a prima facie case of discrimination, a plaintiff must show that the employee was (1) a member of a protected class, (2) subject to an adverse employment action, (3) qualified for the position, and that (4) others, similarly situated and outside the protected class, were unaffected by the employer's adverse conduct. *Town v Michigan Bell Telephone Co*, 455 Mich 688, 695; 568 NW2d 64 (1997). Once the plaintiff has established a prima facie case, a presumption of discrimination arises and the burden shifts to the defendant to articulate a legitimate, non-discriminatory reason for the termination. *Id.*

Here, plaintiffs did not establish a prima facie case. Under a disparate treatment theory, plaintiffs could establish a prima facie case by showing that there were similarly situated workers

outside the protected class who were not subjected to adverse conduct. *Id.* Plaintiffs failed to offer proof that would allow a finder of fact to conclude that similarly situated employees were treated differently for the same conduct. Because plaintiffs failed to establish a prima facie case of discrimination, the circuit court properly granted summary disposition.

Affirmed.

/s/ Jeffrey G. Collins

/s/ Martin M. Doctoroff

/s/ Helene N. White