

STATE OF MICHIGAN
COURT OF APPEALS

LINDA COLEMAN,

Plaintiff-Appellant,

v

STATE OF MICHIGAN,

Defendant-Appellee.

UNPUBLISHED

June 5, 2001

No. 202847

Jackson Circuit Court

LC No. 96-076996

ON REMAND

Before: Saad, P.J., and Bandstra and Neff, JJ.

MEMORANDUM

This case is on remand from our Supreme Court. On original submission, we affirmed the trial court's order granting summary disposition to defendant in *Coleman v State*, unpublished opinion per curiam of the Court of Appeals, issued August 27, 1999 (Docket No. 202847). The Supreme Court reversed for the reasons stated in Judge Kelly's¹ dissent in *Coleman*, and remanded for our consideration of vicarious liability in light of *Chambers v Trettco, Inc*, 463 Mich 297; 614 NW2d 910 (2000), an issue we did not reach in our prior decision.

The trial court dismissed plaintiff's case based on the close question whether plaintiff established a genuine issue of material fact to support her claim that she was harassed by her supervisor and the assistant warden under a hostile work environment theory. The trial court also concluded that even if the harassment took place, "the Department of Corrections corrected the problem as soon as it was brought to someone else's attention" Because it appears that the trial court decided the motion primarily on the harassment issue, and because the trial court decided the vicarious liability issue without the benefit of the Supreme Court's Opinion in *Chambers*, *supra*, we reverse and remand to the trial court for fuller consideration in light of *Chambers* and to articulate its reasoning upon review of the documentary and testimonial evidence.

¹ Now retired.

Reversed and remanded for proceedings consistent with this opinion. We do not retain jurisdiction.

/s/ Henry William Saad

/s/ Richard A. Bandstra

/s/ Janet T. Neff