

STATE OF MICHIGAN
COURT OF APPEALS

JOHN GREENE,

Plaintiff-Appellant,

v

PREMARC CORPORATION,

Defendant-Appellee.

UNPUBLISHED

March 8, 2002

Nos. 226270; 229603

Shiawassee Circuit Court

LC No. 99-002975-CL

JOHN GREENE,

Plaintiff-Appellee,

v

PREMARC CORPORATION,

Defendant-Appellant.

No. 229719

Shiawassee Circuit Court

LC No. 99-002975-CL

Before: Fitzgerald, P.J., and Hood and Sawyer, JJ.

FITZGERALD, P.J. (dissenting).

I respectfully dissent from the majority's conclusion in docket number 226270 that there was not sufficient evidence of discrimination to meet the shifting burden test because plaintiff failed to meet his burden in demonstrating that defendant's reasons for the termination were pretextual. In my opinion, plaintiff presented evidence to support a finding that defendant's stated reason of poor work performance was a mere pretext for discrimination. Plaintiff presented evidence that plaintiff's performance evaluations were generally positive, that defendant failed to follow a disciplinary system and allow plaintiff the opportunity to correct any perceived deficiencies in his work performance, and that three other managers were demoted and replaced by younger, less experienced managers. This evidence was sufficient to create a triable issue of fact that defendant's stated reason for plaintiff's demotion is a pretext. Hence, summary disposition was inappropriate and the case should have been submitted to the jury.

/s/ E. Thomas Fitzgerald