

STATE OF MICHIGAN
COURT OF APPEALS

LISA PENNA,

Plaintiff-Appellant,

v

MGM GRAND DETROIT, L.L.C., MICHAEL
KRAVARITIS, GREGORY VANSTONE, and
LISA JOHNSON-HANNAH,

Defendants-Appellees.

UNPUBLISHED
December 3, 2002

No. 233499
Wayne Circuit Court
LC No. 99-929162-CK

Before: O’Connell, P.J., and White and B.B. MacKenzie*, JJ.

WHITE, J. (*concurring in part and dissenting in part*).

I respectfully dissent from the dismissal of plaintiff’s breach of contract claim. There were questions of fact regarding whether plaintiff committed serious misconduct and was terminated for just cause. Plaintiff submitted deposition testimony of the persons in defendant’s employ who purportedly “investigated” plaintiff’s misconduct and who purportedly requested that plaintiff be terminated. Each of the alleged investigators denied spearheading an investigation and claimed another person did it. Defendant Kravaritis, plaintiff’s immediate supervisor, and defendant VanStone, who supervised both Kravaritis and plaintiff, denied having knowledge of the purported performance problems plaintiff was allegedly terminated for, and denied wanting to terminate plaintiff. The two others who signed the termination notice denied making the decision. Further, there were questions of fact regarding whether plaintiff in fact committed the alleged misconduct, whether plaintiff’s alleged conduct constituted serious misconduct under the contract, and whether defendant followed its own policies in dealing with plaintiff.¹

/s/ Helene N. White

¹ As to defendant’s assertion that plaintiff did not properly pursue her appeal rights, there were questions of fact regarding this issue as well.

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