

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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JEFFREY SANDERS,  
  
Plaintiff-Appellant,

v

WAYNE COUNTY PARKS,  
  
Defendant-Appellee.

UNPUBLISHED  
December 17, 2002

No. 234643  
Wayne Circuit Court  
LC No. 01-106996-NZ

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Before: Fitzgerald, P.J., and Wilder and Cooper, JJ.

PER CURIAM.

Plaintiff appeals as of right the order granting summary disposition in favor of defendant pursuant to MCR 2.116(I)(2) in this action brought under the Whistleblowers' Protection Act (WPA), MCL 15.361. We affirm.

On December 1, 2000, plaintiff was employed by defendant and was assigned to work the Wayne County LightsFest in Hines Park. Officers were led to plaintiff after the driver of a vehicle struck by a county vehicle outside the park phoned in the license plate number of the county vehicle. Officers smelled alcohol on plaintiff. Plaintiff admitted he had been driving the county vehicle but denied leaving the park. Plaintiff failed field sobriety tests and was arrested while at work for leaving the scene of an accident, operating under the influence of liquor, and having an unlawful blood alcohol. That same evening, after a mandated unilateral review of the circumstances, plaintiff was suspended. The next morning plaintiff filed a written complaint against the arresting officer alleging that the officer violated MCL 750.411a by filing a false report of a crime. On December 11, 2000, plaintiff's employment was terminated. Plaintiff thereafter filed suit against defendant, alleging that his employment was terminated because of this "whistleblowing" report.

Plaintiff moved for summary disposition pursuant to MCR 2.116(C)(10). Defendant responded to plaintiff's motion by requesting that the trial court deny plaintiff's motion, and pursuant to MCR 2.116(I)(2), grant summary disposition to defendant.

Plaintiff argues that the trial court erred in denying his motion for summary disposition and granting summary disposition in favor of defendant. We disagree.<sup>1</sup>

A trial court's grant of summary disposition is reviewed de novo. *Van v Zahorik*, 460 Mich 320, 326; 597 NW2d 15 (1999). Similarly, the determination whether evidence establishes a prima facie case under the WPA is a question of law that this Court reviews de novo. *Roulston v Tendercare (Michigan), Inc*, 239 Mich App 270, 278; 608 NW2d 525 (2000).

To establish a prima facie case under the WPA, a plaintiff must show that (1) the plaintiff was engaged in protected activity as defined by the Whistleblowers' Protection Act, (2) the plaintiff was discharged, and (3) a causal connection existed between the protected activity and the discharge. *Shallal v Catholic Social Services*, 455 Mich 604, 610; 566 NW2d 571 (1997). The primary motivation of an employee pursuing a whistleblower claim "must be a desire to inform the public on matters of public concern and not personal vindictiveness." *Id.* at 621.

Here, plaintiff failed to make out a prima facie case under the WPA because he did not establish that he was engaged in protected activity and did not establish a causal connection between his actions and his firing. *Id.* at 615. Plaintiff filed the complaint against the arresting officer *after* plaintiff was suspended. No reasonable juror could conclude that plaintiff filed this complaint out of an altruistic motive to protect the public. In addition, defendant provided documentary evidence supporting the fact that plaintiff was terminated because of his behavior and arrest on December 1, 2000, and not because of the complaint filed against the arresting officer. Indeed, the manager who made the decision to terminate plaintiff's employment stated in an affidavit that at the time he made that decision he was unaware that plaintiff had filed a complaint against the officer. Plaintiff provided no evidence to dispute this fact. Accordingly, we conclude that the trial court properly granted defendant summary disposition because plaintiff failed to establish a prima facie case under the WPA.

Affirmed.

/s/ E. Thomas Fitzgerald  
/s/ Kurtis T. Wilder  
/s/ Jessica R. Cooper

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<sup>1</sup> We note that plaintiff has failed to provide this Court with the necessary transcripts and may be deemed to have abandoned this issue on appeal. *Taylor v Blue Cross/Blue Shield of Michigan*, 205 Mich App 644, 654; 517 NW2d 864 (1994). We will, however, address plaintiff's issue on appeal because the arguments and grounds for summary disposition were fully set out in the parties' summary disposition briefs.