

STATE OF MICHIGAN
COURT OF APPEALS

PERLA D. NAVARRO,

Plaintiff-Appellant,

v

HUTZEL HOSPITAL and ROSALYN HALL,

Defendants-Appellees.

UNPUBLISHED
February 24, 2004

No. 242052
Wayne Circuit Court
LC No. 00-220302-NH

Before: Schuette, P.J., and Murphy and Bandstra, JJ.

PER CURIAM.

In this action brought pursuant to the Michigan Civil Rights Act (“CRA”), MCL 37.2101 *et seq.*, plaintiff appeals as of right from a judgment granting summary disposition in favor of defendants under MCR 2.116(C)(10). Each judge of this panel has written separately, with the three opinions referencing, at times, the opinions of the other members of the panel. This memorandum opinion reflects the holdings of a majority of the panel on the issues presented predicated on the conclusions in the separate opinions. We affirm in part, and reverse and remand in part.

1. With respect to the liability of defendant Rosalyn Hall, a unanimous panel holds that summary disposition entered in her favor was proper as to all counts in the complaint for the reasons set forth by Judge Murphy. The trial court did not commit error, and the dismissal is affirmed.

2. With respect to the liability of defendant hospital and plaintiff’s claim of national origin discrimination, a unanimous panel holds that summary disposition entered in favor of the hospital was improper because genuine issues of material fact exist as set forth by Judge Murphy. The trial court erred in dismissing the cause of action, and the court’s ruling is reversed.

3. With respect to the liability of defendant hospital and plaintiff’s claim of hostile work environment, a majority of the panel, being Judges Murphy and Schuette, hold that summary disposition entered in favor of the hospital was improper because genuine issues of material fact exist. The trial court erred in dismissing the cause of action, and the court’s ruling is reversed.

4. With respect to the liability of defendant hospital and plaintiff’s claim of retaliatory discharge, a majority of the panel, being Judges Bandstra and Schuette, hold that summary

disposition entered in favor of the hospital was proper because no genuine issues of material fact exist and the hospital is entitled to judgment as a matter of law as set forth by Judge Bandstra. The trial court did not commit error in dismissing the cause of action, and the court's ruling is affirmed.

5. With respect to the liability of defendant hospital and plaintiff's claims of wrongful termination and breach of contract, a unanimous panel holds that summary disposition entered in favor of the hospital was proper because the claims were waived as set forth by Judge Murphy.

Affirmed in part, and reversed and remanded in part. We do not retain jurisdiction.

/s/ Bill Schuette

/s/ William B. Murphy

/s/ Richard A. Bandstra