

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UNPUBLISHED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.

SCHUETTE, J. (*separate opinion*).

I join in the conclusion and analysis of Judge Murphy which affirms the trial court's dismissal of plaintiff's wrongful discharge and breach of contract claims. In addition, I join in the decision to reverse the trial court's dismissal of the claim for discrimination in failing to timely provide charge nurse training.

Furthermore, I join with Judge Bandstra in affirming the trial court's dismissal of plaintiff's retaliatory discharge claim.

With respect to plaintiff's hostile work environment claim, I join in the opinion of Judge Murphy which reverses the trial court's dismissal of plaintiff's cause of action. From my perspective, the remark of defendant Hall, who wanted "very much to hurt" plaintiff provided fertile ground to create an atmosphere of hostility in the work environment for plaintiff at the hospital. Hall's remark taken into consideration with the EEOC letter does, in my opinion, provide sufficient issues of genuine material fact which meets the *Quinto* test for a prima facie case of hostile work environment, *Quinto v Cross & Peters Co*, 451 Mich 358, 369; 547 NW2d 314 (1996), thereby precluding a judgment of summary disposition on this issue.

/s/ Bill Schuette