

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

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RICHARD MERLINO,

Plaintiff-Appellant,

v

MGM GRAND DETROIT, LLC, d/b/a MGM  
GRAND DETROIT CASINO,

Defendant-Appellee.

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UNPUBLISHED  
September 14, 2004

No. 247165  
Wayne Circuit Court  
LC No. 01-138921-CL

Before: Murphy, P.J., and Griffin and White, JJ.

WHITE, J. (*concurring*).

I concur but write separately to state that in my view while defendant failed to reserve to itself the right to conclusively determine whether the conduct alleged actually took place, it did reserve to itself the right to determine whether the alleged conduct constituted sexual harassment in violation of its policies.

/s/ Helene N. White