

STATE OF MICHIGAN
COURT OF APPEALS

ANTOINETTE WRIGHT,

Plaintiff-Appellant,

v

DAIMLERCHRYSLER CORPORATION and
JUDITH CALIMAN,

Defendants-Appellees.

UNPUBLISHED
December 2, 2004

No. 249408
Wayne Circuit Court
LC No. 02-234021-CL

Before: Meter, P.J., and Wilder and Schuette, JJ.

MEMORANDUM.

Plaintiff appeals as of right from the trial court's orders granting summary disposition in favor of defendants with regard to plaintiff's claims of (1) a violation of the Employee Right to Know Act by virtue of defendant's having failed to produce plaintiff's personnel file in a timely fashion and (2) fraud. We affirm. This case is being decided without oral argument under MCR 7.214(E).

Plaintiff argues that the trial court erred by granting summary disposition in favor of defendants with regard to her claim under the Employee Right to Know Act and with regard to her fraud claim. We disagree. A grant of summary disposition is reviewed de novo. *Auto Club Group Ins Co v Burchell*, 249 Mich App 468, 479; 642 NW2d 406 (2001).

First, plaintiff's claim of a violation of the Employee Right to Know Act, predicated on an alleged violation of MCL 423.503, is unsupportable as a matter of law. This claim is based entirely on plaintiff having made a verbal request for her personnel file. However, MCL 423.503 provides, in relevant part:

An employer, *upon written request* which describes the personnel record, shall provide the employee with an opportunity to periodically review at reasonable intervals . . . the employee's personnel record if the employer has a personnel record for that employee. [Emphasis added.]

Thus, under the plain language of MCL 423.503, a verbal request by plaintiff to view her personnel file did not trigger a duty to provide access to that file under this statutory provision. Plaintiff's policy-tinged arguments that the spirit and purpose of the act support treating her verbal request as if it were a written request are contrary to the principle that, if statutory

language is plain and unambiguous, a court should “enforce the statute as written and follow the plain meaning of the statutory language.” *Grossman v Brown*, 470 Mich 593, 598; 685 NW2d 198 (2004). Thus, the trial court did not err by granting summary disposition in favor of defendants with regard to plaintiff’s claim under the Employee Right to Know Act because her verbal request could not trigger a duty to disclose her personnel file under MCL 423.503.

With regard to plaintiff’s fraud claim, her argument that the trial court erred in summarily disposing of that claim is based entirely on an alleged promise by defendant DaimlerChrysler Corporation in June 2000 to produce her personnel file. However, the fraud count of plaintiff’s complaint contains no allegation even approximating an assertion that such a promise was made in June 2000. Allegations of fraud that are not specifically pleaded are insufficient to state a claim. *LaMothe v Auto Club Ins Ass’n*, 214 Mich App 577, 586; 543 NW2d 42 (1995). Thus, contrary to plaintiff’s position, the trial court could not have erred by granting summary disposition in favor of defendants with regard to plaintiff’s fraud claim based on an alleged June 2000 promise that was not specifically pleaded in plaintiff’s complaint.

Affirmed.

/s/ Patrick M. Meter
/s/ Kurtis T. Wilder
/s/ Bill Schuette