

STATE OF MICHIGAN  
COURT OF APPEALS

---

LEIGHANN STARNES,

Plaintiff-Appellant,

v

JLQ AUTOMOTIVE SERVICES COMPANY,

Defendant-Appellee.

---

UNPUBLISHED  
December 8, 2005

No. 255056  
Oakland Circuit Court  
LC No. 2003-0048375-CD

Before: Hoekstra, P.J., and Gage and Wilder, JJ.

Gage, J. (*dissenting*).

I respectfully dissent. Specifically, I believe that plaintiff failed to demonstrate that the comments and conduct of her supervisor, Tom Nanney, were unwelcome. See *Radke v Everett*, 442 Mich 368, 382; 501 NW2d 155 (1993). I would affirm the trial court's decision to grant defendant summary disposition on plaintiff's sexually hostile work environment and retaliation claims.

In her everyday language at the oil shop, plaintiff used profanity, including "shit," "dick," and made-up words to describe a vagina and penis. In one incident, plaintiff told Nanney, "suck my dick." Her choice of words and phrases was so offensive that it causes this judge to speculate whether she ate from the same mouth. Plaintiff further admitted that she discussed her own sex life, including her husband's penis size, and sexual topics in general with co-workers. I believe that plaintiff's language, discussion of sexual topics with co-workers, and demeanor demonstrated that she could not have been offended by Nanney's comments and conduct. I therefore conclude that there was no genuine issue of material fact and would affirm the trial court's grant of summary disposition on plaintiff's sexually hostile work environment claim. Indeed, her comments and language contributed to that environment.

I further believe that plaintiff's language was so offensive that it permeated her retaliation claim, and I would also affirm the trial court's grant of summary disposition on that claim.

/s/ Hilda R. Gage