

STATE OF MICHIGAN
COURT OF APPEALS

SAM SANFORD,

Plaintiff-Appellant,

v

FORD MOTOR COMPANY,

Defendant-Appellee.

UNPUBLISHED

November 21, 1997

No. 195322

Wayne Circuit Court

LC No. 95-507632-CL

Before: Saad, P.J., and O'Connell and Matuzak,* JJ.

PER CURIAM.

Plaintiff appeals as of right from an order granting defendant's motion for summary disposition pursuant to MCR 2.116(C)(10). We affirm.

Plaintiff sued defendant for retaliation in violation of the Elliott-Larsen Civil Rights Act, MCL 37.2701(a); MSA 4.548(701)(a). Plaintiff alleged that in 1992 defendant failed to promote him from a part-time to full-time position in retaliation for a discrimination complaint he made to defendant's personnel department in 1989 or 1990. The circuit court concluded that plaintiff had not presented evidence showing a causal connection between plaintiff's complaint to the personnel department and the subsequent failure to promote him because there was no evidence that the supervisory staff responsible for the promotion knew of plaintiff's meeting with the personnel department or his complaints of discrimination. Based upon this lack of evidence the trial judge granted defendant's motion for summary disposition pursuant to MCR 2.116(C)(10).

Plaintiff argues that the trial court erred in finding that he failed to create a genuine factual dispute with respect to a prima facie claim of retaliation under the Elliott-Larsen Civil Rights Act. We disagree. In order to establish a prima facie case of unlawful retaliation under the Elliott-Larsen Civil Rights Act, a plaintiff must show that (1) he engaged in a protected activity; (2) that this was known by the defendant; (3) that the defendant took an employment action adverse to plaintiff; and (4) that there was a causal connection between the protected activity and the adverse employment action. *DeFlaviis v Lord & Taylor, Inc.*, 223 Mich App 432, 436; 566 NW2d 661 (1997). Here there was no evidence that the

* Circuit judge, sitting on the Court of Appeals by assignment.

individuals responsible for hiring decisions knew that plaintiff had complained to the personnel department. Nor was there any circumstantial evidence from which it could be inferred that any of the four individuals knew of plaintiff's complaints. Plaintiff has not demonstrated the existence of a casual connection between his protected conduct and defendant's decision not to promote him to a full-time position. Because there was no genuine issue of material fact and defendant was entitled to judgment as a matter of law, the trial court properly granted summary disposition for defendant under MCR 2.116(C)(10).

Affirmed.

/s/ Henry William Saad

/s/ Peter D. O'Connell

/s/ Michael J. Matuzak