

STATE OF MICHIGAN
COURT OF APPEALS

WANDA SMITH,

UNPUBLISHED

Plaintiff-Appellant,

v

No. 202120

Oakland Circuit Court

NOPA, LTD. PARTNERSHIP d/b/a NORTH PARK
TOWERS,

LC No. 95-502435 NO

Defendant-Appellee.

Before: Jansen, P.J., and Markey and O'Connell, JJ.

MARKEY, J. (concurring in part and dissenting in part.)

I concur with Judge Jansen's analysis and disposition of Issues I, III, and IV; however, I dissent with respect to Issue II.

I believe it was an abuse of discretion for the trial court to preclude plaintiff from inquiring during cross-examination of defendant's insurance adjuster as to her employer. Neither MCLA 500.3030; MSA 24.13030 nor MRE 411 forbids it. Indeed, under the facts of this case, identification of the adjuster as an insurance adjuster was clearly relevant and goes to her credibility and bias. Moreover, if the statute were violated, it was defendant who did so at the outset by calling the witness to the stand. Defendant cannot "have its cake and eat it too." Once the adjuster was called to testify on defendant's behalf, it was improper to forbid her from revealing her employer.

/s/ Jane E. Markey