STATE OF MICHIGAN

COURT OF APPEALS

JUDY M. DRAKE,

Plaintiff-Appellant,

v

BOLTHOUSE MERCHANDISING CORP.,

Defendant-Appellee.

UNPUBLISHED
September 25, 1998

No. 197096
Barry Circuit Court
LC No. 89-000576 CZ

Before: Doctoroff, P.J., and Fitzgerald and Talbot, JJ.

PER CURIAM.

Plaintiff appeals as of right from a judgment for defendant entered after a jury trial. Plaintiff's complaint alleged that she was discharged from her employment with defendant in retaliation for opposing sexual harassment. Defendant argued that plaintiff was discharged because she was unable to get along with other employees, caused disruptions in the workplace, and exhibited inappropriate behavior in the presence of customers. The jury found in favor of defendant. Plaintiff's motion for new trial or judgment notwithstanding the verdict was denied. We affirm.

Plaintiff first argues that the trial court erred in excluding evidence that two of defendant's former employees had been sexually harassed, and that one of them had complained to no avail. We disagree. This Court reviews an evidentiary ruling for an abuse of discretion. *Gore v Rains & Block*, 189 Mich App 729, 737; 473 NW2d 813 (1991). Plaintiff's claim in this case was for retaliation, not for sexual harassment. Accordingly, she was not required to show that she or any other employees had been sexually harassed, or that complaints of sexual harassment fell on deaf ears. See *DeFlaviis v Lord & Taylor*, 223 Mich App 432, 436; 566 NW2d 661 (1997). Therefore, the trial court did not abuse its discretion when it excluded the proffered evidence on the ground that any probative value the evidence might have had would be substantially outweighed by considerations of undue delay and waste of time. See MRE 403.

Next, plaintiff argues that defendant failed to present a legitimate nondiscriminatory reason for plaintiff's termination. However, plaintiff fails to explain the significance of this allegation. At trial, the burden of proof remained on plaintiff. See *McLemore v Detroit Receiving Hospital and University*

Medical Center, 196 Mich App 391, 399; 493 NW2d 441 (1992). Accordingly, the significance of her allegation on appeal is not readily apparent. A party may not merely announce his position and leave it to this Court to discover and rationalize the basis for his claims. E.g. *Joerger v Gordon Food Service, Inc*, 224 Mich App 167, 178; 568 NW2d 365 (1997). Therefore, plaintiff is not entitled to relief on this issue.

Plaintiff next contends that the trial court abused its discretion when it allowed into evidence certain remarks suggesting that plaintiff was a "person not to be believed" or a "liar." We disagree. In support of her very brief argument on appeal, plaintiff cites only *People v Buckley*, 424 Mich 1, 17; 378 NW2d 432 (1985), for the proposition that a witness may not comment on the credibility of another witness. We have reviewed the allegedly offending statements and have found no improper comments on plaintiff's trial testimony.[1] Accordingly, we hold that plaintiff is not entitled to relief on this issue.

Plaintiff also argues that the trial court erred in giving an instruction to the jury regarding at-will employment. We deem this issue abandoned and decline to review it because plaintiff has failed to provide any legal authority in support of her argument. See *Neal v Oakwood Hospital Corp*, 226 Mich App 701, 722; 575 NW2d 68 (1997); *Magee v Magee*, 218 Mich App 158, 161; 553 NW2d 363 (1996).

Next, plaintiff argues that the trial court erred when it "limited the statements of Earl Stevens as impeachment evidence." At trial, plaintiff's counsel overcame a hearsay objection from defendant, by arguing that Stevens' out-of-court statements to the Michigan Department of Civil Rights (MDCR) were admissible "to impeach." After the MDCR investigator later testified regarding Stevens' out-of-court statements, plaintiff's counsel prompted the trial court to give the jury an instruction that the investigator's testimony was introduced solely for impeachment purposes. Therefore, plaintiff is not entitled to relief on this issue. See, e.g., *People v Barclay*, 208 Mich App 670, 673; 528 NW2d 842 (1995) (explaining that a party may not assign error on appeal to something her own counsel deemed proper at trial).

Finally, plaintiff argues that she was denied a fair trial because the juror, who ultimately became foreperson, did not reveal that he had once been a client of defendant's trial counsel. Contrary to defendant's assertion, the record indicates that, during voir dire, the juror in question informed the court that he had once been a client of defendant's trial counsel. Accordingly, plaintiff's argument is without merit.

Affirmed. Defendant, being the prevailing party, may tax costs pursuant to MCR 7.219.

/s/ Martin M. Doctoroff
/s/ E. Thomas Fitzgerald
/s/ Michael J. Talbot

[1] The statements admitted during Jerry Bolthouse's testimony were (1) prior statements regarding plaintiff's credibility contained in a "personnel file" that was admitted pursuant to an agreement between the parties (in which plaintiff indicated, through counsel, that she was willing to admit "everything" in the folder) and (2) additional testimony offered to explain the factual basis of those prior statements. The statements admitted during Daniel Bolthouse's testimony also referred to a prior assessment of plaintiff's believability. These comments were precipitated by questions from plaintiff's attorney, who, in an apparent attempt to re-phrase the witness' testimony, was the first to actually pronounce plaintiff a "liar."