STATE OF MICHIGAN

COURT OF APPEALS

DARLENE WADE,

Plaintiff-Appellant,

v

DAVID B. COTTON, M.D., DETROIT MEDICAL CENTER and HUTZEL HOSPITAL,

Defendants-Appellees.

UNPUBLISHED
May 19, 2000

No. 212276
Wayne Circuit Court
LC No. 96-611135-NO

Before: McDonald, P.J., and Gage and Talbot, JJ.

PER CURIAM.

Plaintiff appeals as of right from the trial court's judgment granting defendants' motion for a directed verdict in this action alleging race discrimination, gender discrimination and sexual harassment.[1] We affirm.

Plaintiff first argues that the trial court abused its discretion in granting defendants' motion in limine to exclude evidence of events occurring before December 1995. A trial court's decision to admit or exclude evidence is reviewed for an abuse of discretion. *Ellsworth v Hotel Corp of America*, 236 Mich App 185, 188; 600 NW2d 129 (1999). An abuse of discretion is found only if an unprejudiced person, considering the facts on which the trial court acted, would say there is no justification or excuse for the ruling. *Id.* With one exception, plaintiff failed to make an offer of proof, and the substance of the excluded evidence is not apparent from the record.[2] Consequently, plaintiff has failed to preserve this issue since it is impossible to determine whether the exclusion of evidence constituted an abuse of discretion or would have otherwise affected the trial court's decision to direct a verdict in defendants' favor. MRE 103(a)(2); *In re Green Charitable Trust*, 172 Mich App 298, 329; 431 NW2d 492 (1988).

Plaintiff also argues that the trial court erred in directing a verdict on her race discrimination claim.[3] We disagree. This Court reviews de novo a trial court's decision on a motion for a directed verdict. *Kubisz v Cadillac Gage Textron, Inc*, 236 Mich App 629, 634; 601 NW2d 160 (1999). When evaluating a motion for a directed verdict, a court must consider the evidence in the light most favorable to the nonmoving party, making all reasonable inferences in favor of the nonmoving party. *Id.*

at 635. Directed verdicts are appropriate only when no factual question exists upon which reasonable minds may differ. *Id.*

Assuming for the sake of argument that plaintiff offered sufficient evidence to establish a prima facie case of race discrimination, we hold that a directed verdict was nonetheless proper. Defendant David B. Cotton testified that plaintiff evidenced performance deficiencies after several administrators left the office, and plaintiff presented insufficient evidence to show that she was performing to Dr. Cotton's satisfaction. In addition, there was insufficient evidence from which a reasonable jury could infer that defendants' legitimate nondiscriminatory explanation was pretextual or that race discrimination was a motivating factor for the alleged adverse treatment. *Lytle v Malady (On Rehearing)*, 458 Mich 153, 174-176; 579 NW2d 906 (1998); *Meagher v Wayne State University*, 222 Mich App 700, 711-712; 565 NW2d 401 (1997). Accordingly, the trial court properly granted a directed verdict in defendants' favor.

Affirmed.

/s/ Gary R. McDonald
/s/ Hilda R. Gage
/s/ Michael J. Talbot

[1] Plaintiff's additional claims were dismissed on defendants' motion for summary disposition and are not the subject of this appeal.

[2] At trial, plaintiff unsuccessfully sought to introduce evidence that defendant David B. Cotton, M.D. "made a comment that he carries [a weapon] because he has to drive through Detroit, and you know that's where the blacks live." Viewed in the context of the entire trial, and without offers of proof regarding other evidence, the alleged comment appears to be nothing more than a stray remark. There is no indication that the comment was directed at plaintiff or that it formed the basis for any employment decision relating to her and, therefore, is insufficient to establish discrimination based on race. See *Reisman v Regents of Wayne State University*, 188 Mich App 526, 538; 470 NW2d 678 (1991); see also *Phelps v Yale Sec, Ins*, 986 F2d 1020 (CA 6, 1993) (comments referring directly to the plaintiff can support an inference of age discrimination, but isolated or ambiguous comments may be too abstract to support such an inference); *Merrick v Farmers Ins Group*, 892 F2d 1434, 1438 (CA 9, 1990) (characterizing a remark unrelated to the decisional process as insufficient to show age discrimination).

[3] Plaintiff does not provide a factual basis for or otherwise adequately brief her claim that the trial court erred in granting a directed verdict on her gender discrimination/harassment claims and has, therefore, abandoned these issues on appeal. "A party may not simply announce a position and leave it to this Court to discover and rationalize a basis for the claim." *FMB-First Michigan Bank v Bailey*, 232 Mich App 711, 717; 591 NW2d 676 (1998); *Great Lakes Division of National Steel Corp v City*

of Ecorse, 227 Mich App 379, 424; 576 NW2d 667 (1998). We therefore decline to address these issues.