Court of Appeals, State of Michigan

ORDER

Paula Kraus v City of Dearborn

Docket No. 295794

LC No. 08-126720-CD

Kirsten Frank Kelly
Presiding Judge

Kurtis T. Wilder

Christopher M. Murray
Judges

The Court orders that the motion for immediate consideration is GRANTED.

The motion to waive the requirements of MCR 7.209 is GRANTED.

The application for leave to appeal is DENIED for failure to persuade the Court of the need for immediate appellate review.

The motion for stay is DENIED.

Murray, J. (*dissenting in part*): Although I agree that leave to appeal should be denied on plaintiff's discrimination claim, I would peremptorily reverse the trial court's denial of defendant's motion for summary disposition on the retaliation claim. The alleged retaliation does not arise to the level of an adverse employment action as defined under our controlling case law. See, eg., *Pena v Ingham County Rd Comm.*, 255 Mich App 299, 311-315; 660 NW2d 351 (2003) and *Chen v Wayne State Univ.*, 284 Mich App 172, 204-206; 771 NW2d 820 (2009).

A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

FEB 12 2010
Date

Sandra Schultz Mengel
Chief Clerk