

Court of Appeals, State of Michigan

ORDER

Debra Burton v Michigan Sugar Company

Docket No. 341155

LC No. 16-003713-NZ

Amy Ronayne Krause
Presiding Judge

Peter D. O'Connell

Brock A. Swartzle
Judges

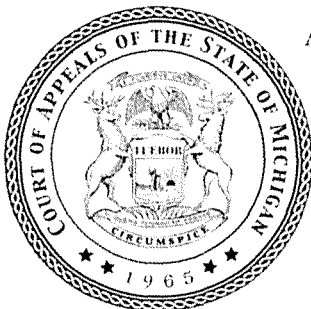
The Court orders that the application for leave to appeal is GRANTED. The time for taking further steps in this appeal runs from the date of the Clerk's certification of this order. MCR 7.205(E)(3). This appeal is limited to the issues raised in the application and supporting brief. MCR 7.205(E)(4).

Ronayne Krause, P.J., would deny the application for leave to appeal and states:

Defendant's reading of *Garg v Macomb Co Community Mental Health Servs*, 472 Mich 263; 696 NW2d 646 (2005) is misguided. *Garg* does not state that in a situation involving continuing illegal acts of discrimination, a plaintiff may not maintain an action because the first act of discrimination occurred outside the relevant statute of limitations. *Garg* simply states that a plaintiff cannot somehow reach back beyond the statute of limitations to revive a claim that is time-barred. It states, a plaintiff must "commence an action within three years of each adverse employment act by a defendant." *Garg*, 472 Mich at 282 (emphasis added). *Dep't of Environmental Quality v Gomez*, 318 Mich App 1, 28: 896 NW2s 39 (2016) ("[U]nder *Garg*, each alleged violation of the statute was a separate claim with a separate time of accrual.")

There is no reason to find that the trial court made an error in this case and on de novo review with this court, it seems the outcome would be the same.

Therefore, I would deny the application for leave to appeal.



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

JUN 27 2018

Date

Chief Clerk