

STATE OF MICHIGAN
COURT OF APPEALS

TIMOTHY CARLISLE,

UNPUBLISHED

Plaintiff-Appellant,

v

No. 186191

LC No. 93-011824-NZ

SARA LEE CORPORATION,

Defendant-Appellee.

Before: Neff, P.J., and Hoekstra and G. D. Lostracco,* JJ.

NEFF, P.J. (dissenting).

I respectfully dissent. I would hold, viewing the evidence in a light most favorable to plaintiff, *Bertrand v Alan Ford, Inc*, 449 Mich 606, 617-618; 537 NW2d 185 (1995), that the Human Resources form submitted by plaintiff creates a genuine issue of material fact. The form demonstrates, contrary to defendant's position, that it is willing and able to accommodate handicapped individuals. The form obviously relates to this case because it deals with accommodations provided by defendant to handicapped individuals such as plaintiff.

The trial court and the majority, by ruling that plaintiff failed to demonstrate how often, when and in what manner the form is used, are in actuality viewing the evidence presented in a light most favorable to the moving party, defendant. Because this is a perspective exactly opposite what is required of us, I would therefore reverse the trial court's grant of summary disposition to defendant.

/s/ Janet T. Neff

* Circuit judge, sitting on the Court of Appeals by assignment.