

STATE OF MICHIGAN
COURT OF APPEALS

MARGARET OWENS,

Plaintiff–Appellant,

v

UNIVERSITY OF DETROIT DENTAL SCHOOL
and LAWRENCE ABBOTT, jointly and severally,

Defendants–Appellees.

UNPUBLISHED

March 14, 1997

No. 184740

Wayne Circuit Court

LC No. 94419507 NO

Before: Hoekstra, P.J., and Marilyn Kelly and J.B. Sullivan,* JJ.

PER CURIAM.

Plaintiff appeals as of right from an order granting summary disposition to defendants pursuant to MCR 2.116(C)(8) and (C)(10) in this discrimination case. Plaintiff argues that she presented sufficient evidence to establish a prima facie case of gender and weight discrimination in violation of MCL 37.2202(1)(a); MSA 3.548(202)(1)(a). We disagree.

A prima facie case of discrimination can be made by proving either intentional discrimination, disparate treatment, or disparate impact. *Coleman-Nichols v Tixon Corp*, 203 Mich App 645, 651; 513 NW2d 441 (1994); *Manning v Hazel Park*, 202 Mich App 685; 509 NW2d 874 (1993); *Reisman v Wayne State Regents*, 188 Mich App 526; 470 NW2d 678 (1991). Upon review of the record, we conclude that plaintiff failed to make out a prima facie case under any of these theories, because she based her claim upon remarks made by an individual other than those responsible for her termination. Plaintiff was not replaced by a man nor could she show that she was treated differently than men or that employment policies had a disparate impact upon women. Moreover, defendants demonstrated a legitimate, nondiscriminatory reason for discharging plaintiff, which plaintiff failed to rebut. *Dubey v Stroh Brewery Co*, 185 Mich App 561, 563; 462 NW2d 758 (1990).

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

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

/s/ Joel P. Hoekstra

/s/ Marilyn Kelly

/s/ Joseph B. Sullivan