

Order

Michigan Supreme Court
Lansing, Michigan

June 10, 2016

Robert P. Young, Jr.,
Chief Justice

152844

Stephen J. Markman

Brian K. Zahra

Bridget M. McCormack

David F. Viviano

Richard H. Bernstein

Joan L. Larsen,

Justices

KEVIN SMITH,
Plaintiff-Appellant,

v

SC: 152844

COA: 320437

Genesee CC: 13-100532-CZ

CITY OF FLINT,
Defendant-Appellee.

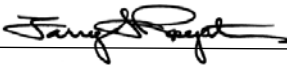
On order of the Court, the application for leave to appeal the November 5, 2015 judgment of the Court of Appeals is considered. We direct the Clerk to schedule oral argument on whether to grant the application or take other action. MCR 7.305(H)(1). The parties shall file supplemental briefs within 42 days of the date of this order addressing whether: (1) the Court of Appeals erred in applying *Peña v Ingham Co Rd Comm*, 255 Mich App 299 (2003), a Michigan Civil Rights Act case, to the plaintiff's claim under the Whistleblowers' Protection Act (WPA), MCL 15.361 *et seq.*; (2) the plaintiff alleged sufficient facts to establish that he suffered an adverse employment action under the WPA, see MCL 15.362; and (3) the plaintiff alleged sufficient facts to establish that he engaged in a protected activity under the WPA, see MCL 15.362. The parties should not submit mere restatements of their application papers.



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I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

June 10, 2016


Clerk