

Order

Michigan Supreme Court
Lansing, Michigan

March 25, 2020

Bridget M. McCormack,
Chief Justice

159857

David F. Viviano,
Chief Justice Pro Tem

LINDA RIVERA,
Plaintiff-Appellant,

Stephen J. Markman
Brian K. Zahra
Richard H. Bernstein
Elizabeth T. Clement
Megan K. Cavanagh,
Justices

v

SC: 159857
COA: 341516
Saginaw CC: 16-031756-NZ

SVRC INDUSTRIES, INC.,
Defendant-Appellee.

On order of the Court, the application for leave to appeal the April 4, 2019 judgment of the Court of Appeals is considered. We direct the Clerk to schedule oral argument on the application. MCR 7.305(H)(1).

The appellant shall file a supplemental brief within 42 days of the date of this order addressing: (1) whether the record supports plaintiff's contention that her communication with defendant's chief operating officer demonstrated that she was "about to report" a violation or a suspected violation of a law, see MCL 15.362; (2) whether plaintiff's communications with defendant's counsel constituted a "report" pursuant to MCL 15.362 where (a) defendant's counsel initiated contact with plaintiff (rather than plaintiff contacting him), and (b) defendant's counsel was aware of plaintiff's allegations prior to their conversation; (3) whether the Whistleblowers' Protection Act (MCL 15.361 *et seq.*) is plaintiff's exclusive remedy in this case; and (4) whether the record supports plaintiff's contention that her protected activity caused her firing, that is, whether plaintiff has sufficient evidence beyond the temporal proximity of the events to show causation, see *Wurtz v Beecher Metro Dist*, 495 Mich 242 (2014). In addition to the brief, the appellant shall electronically file an appendix conforming to MCR 7.312(D)(2). In the brief, citations to the record must provide the appendix page numbers as required by MCR 7.312(B)(1). The appellee shall file a supplemental brief within 21 days of being served with the appellant's briefs. The appellee shall also electronically file an appendix, or in the alternative, stipulate to the use of the appendix filed by the appellant. A reply, if any, must be filed by the appellant within 14 days of being served with the appellee's brief. The parties should not submit mere restatements of their application papers.



p0324

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.

March 25, 2020

Clerk