

# Order

Michigan Supreme Court  
Lansing, Michigan

February 3, 2016

Robert P. Young, Jr.,  
Chief Justice

152138 & (147)

Stephen J. Markman  
Brian K. Zahra  
Bridget M. McCormack  
David F. Viviano  
Richard H. Bernstein  
Joan L. Larsen,  
Justices

BRUCE WHITMAN,  
Plaintiff-Appellant,

v

SC: 152138  
COA: 294703  
Genesee CC: 08-087993-CL

CITY OF BURTON and CHARLES SMILEY,  
Defendants-Appellees.

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On order of the Court, the application for leave to appeal the July 9, 2015 judgment of the Court of Appeals is considered and, pursuant to MCR 7.305(H)(1), in lieu of granting leave to appeal, we VACATE those parts of the Court of Appeals opinion holding that a plaintiff's actions or conduct, as an objective matter, must advance the public interest to entitle a plaintiff to the protection of the Whistleblowers' Protection Act (WPA), MCL 15.361 *et seq.* and that the plaintiff here failed to establish sufficient evidence of the necessary causal connection between his claimed protected activity and the alleged adverse employment action to avoid a judgment notwithstanding the verdict. In light of the Court of Appeals' holding that, pursuant to *Wurtz v Beecher Metropolitan District*, 495 Mich 242 (2014), the plaintiff is not an "employee" placed to bring a claim under the WPA, resolution of these other issues was unnecessary. In all other respects, leave to appeal is DENIED, because we are not persuaded that the remaining questions presented should be reviewed by this Court. The motion to expedite proceedings is DENIED as moot.



s0127

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.

February 3, 2016

  
Clerk