

# Order

Michigan Supreme Court  
Lansing, Michigan

February 6, 2013

Robert P. Young, Jr.,  
Chief Justice

145631-2

Michael F. Cavanagh  
Stephen J. Markman  
Mary Beth Kelly  
Brian K. Zahra  
Bridget M. McCormack,  
Justices

ANTHONY HENRY and KEITH WHITE,  
Plaintiffs-Appellees,

v

SC: 145631  
COA: 302373  
Wayne CC: 10-000384-CD

LABORERS LOCAL 1191, d/b/a ROAD  
CONSTRUCTION LABORERS OF  
MICHIGAN LOCAL 1191 and MICHAEL  
AARON,

Defendants-Appellants,

and

BRUCE RUEDISUELI,  
Defendant.

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MICHAEL RAMSEY and GLENN DOWDY,  
Plaintiffs-Appellees,

v

SC: 145632  
COA: 302710  
Wayne CC: 10-004708-CD

LABORERS LOCAL 1191, d/b/a ROAD  
CONSTRUCTION LABORERS OF  
MICHIGAN LOCAL 1191 and MICHAEL  
AARON,

Defendants-Appellants,

and

BRUCE RUEDISUELI,  
Defendant.

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On order of the Court, the application for leave to appeal the July 3, 2012 judgment of the Court of Appeals is considered, and it is GRANTED. The parties shall

include among the issues to be briefed: (1) whether, regardless of the public body involved, the National Labor Relations Act (NLRA), 29 USC 151 *et seq.*, or the Labor Management Reporting and Disclosure Act (LMRDA), 29 USC 401 *et seq.*, preempt Michigan's Whistleblower Protection Act (WPA), MCL 15.361 *et seq.*, if the challenged conduct actually or arguably falls within the jurisdiction of the NLRA or the LMRDA; (2) whether a union employee's report to a public body of suspected illegal activity or participation in an investigation thereof is of only peripheral concern to the NLRA or the LMRDA so that the employee's claims under the WPA are not preempted by federal law; and, (3) whether the state's interest in enforcing the WPA is so deeply rooted that, in the absence of compelling congressional direction, courts cannot infer that Congress has deprived the state of the power to act.

The Attorney General and the Labor and Employment Law Section of the State Bar of Michigan are invited to file briefs *amicus curiae*. Other persons or groups interested in the determination of the issues presented in this case may move the Court for permission to file briefs *amicus curiae*.



s0130

I, Corbin R. Davis, 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 6, 2013

A handwritten signature in cursive script that reads "Corbin R. Davis".

Clerk