

# Order

Michigan Supreme Court  
Lansing, Michigan

June 6, 2007

133189

DAVE OSER,  
Plaintiff-Appellant,

v

CLEAR!BLUE MANAGEMENT, INC.,  
and TODD SMITH,  
Defendants-Appellees,

Clifford W. Taylor,  
Chief Justice

Michael F. Cavanagh  
Elizabeth A. Weaver  
Marilyn Kelly  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman,  
Justices

SC: 133189  
COA: 269195  
Oakland CC: 05-064575-CK

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On order of the Court, the application for leave to appeal the September 26, 2006 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we REVERSE that part of the Court of Appeals judgment that ruled that the evidence established that the defendant had good cause to terminate the plaintiff. The plaintiff presented sufficient evidence to create a genuine issue of material fact whether the defendant had good cause to terminate the plaintiff. Summary disposition cannot be granted under such circumstances. MCR 2.116(C)(10); *Maiden v Rozwood*, 461 Mich 109, 120-121 (1999). We REMAND this case to the Oakland Circuit Court for further proceedings not inconsistent with this order.



s0530

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.

June 6, 2007

*Corbin R. Davis*

Clerk