

Order

Michigan Supreme Court
Lansing, Michigan

March 23, 2011

Robert P. Young, Jr.,
Chief Justice

141978

Michael F. Cavanagh
Marilyn Kelly
Stephen J. Markman
Diane M. Hathaway
Mary Beth Kelly
Brian K. Zahra,
Justices

LINDA F. BILLINGS,
Plaintiff-Appellee,

v

SC: 141978
COA: 291889
Washtenaw CC: 08-000626-CZ

MICHIGAN ABILITY PARTNERS,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the July 29, 2010 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we REVERSE that part of the Court of Appeals decision that reinstated the plaintiff's claim of discrimination under the Persons with Disabilities Civil Rights Act, MCL 37.1202 *et seq.* Assuming arguendo that the plaintiff succeeded in demonstrating a disability that qualifies under the act, she nevertheless failed to establish the existence of a genuine issue of material fact that the reason given to the plaintiff for her termination was a pretext for terminating her due to her disability, or that the defendant's decision was in any manner motivated by discriminatory animus. *Peden v City of Detroit*, 470 Mich 195 (2004). We REINSTATE the Washtenaw Circuit Court's summary disposition order on the plaintiff's discrimination claim, and we REMAND this case to the circuit court for the additional proceedings ordered by the Court of Appeals regarding the discovery sanction.



0316

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.

March 23, 2011

Corbin R. Davis

Clerk