

Order

Michigan Supreme Court
Lansing, Michigan

December 1, 2023

Elizabeth T. Clement,
Chief Justice

165688

Brian K. Zahra
David F. Viviano
Richard H. Bernstein
Megan K. Cavanagh
Elizabeth M. Welch
Kyra H. Bolden,
Justices

AMY HJERSTEDT,
Plaintiff-Appellee,

v

SC: 165688
COA: 358803
Chippewa CC: 20-016126-CZ

CITY OF SAULT STE. MARIE,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the February 21, 2023 judgment of the Court of Appeals is considered and, pursuant to MCR 7.305(H)(1), in lieu of granting leave to appeal, we REVERSE Footnote 7 of the judgment of the Court of Appeals. A cross-appeal was not necessary in order for the defendant to propose an alternative ground for affirmance. See *Middlebrooks v Wayne Co*, 446 Mich 151, 166 n 41 (1994). We REMAND this case to the Court of Appeals for further consideration. On remand, while retaining jurisdiction, the Court of Appeals shall remand this case to the Chippewa Circuit Court for consideration of the issue raised by the defendant but not addressed by that court during its initial review of this case, regarding the staff manual exemption of MCL 15.243(1)(s)(vi). The circuit court shall then forward its decision to the Court of Appeals for its consideration of the issue. In all other respects, leave to appeal is DENIED, because we are not persuaded that the remaining question presented should be reviewed by this Court.

We do not retain jurisdiction.



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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.

December 1, 2023

Clerk