

Order

Michigan Supreme Court
Lansing, Michigan

November 19, 2014

Robert P. Young, Jr.,
Chief Justice

149370

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

BRUCE WHITMAN,
Plaintiff-Appellant,

v

SC: 149370
COA: 294703
Genesee CC: 08-087993-CL

CITY OF BURTON and CHARLES SMILEY,
Defendants-Appellees.

On order of the Court, the application for leave to appeal the April 24, 2014 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we VACATE the judgment of the Court of Appeals and we REMAND this case to the Court of Appeals for reconsideration in light of *Wurtz v Beecher Metropolitan District*, 495 Mich 242 (2014). We also take this opportunity, as suggested by the Court of Appeals dissent, *Whitman v City of Burton*, 305 Mich App 16, 45 n 2 (2014), to clarify that reports given because the employee is requested to participate in an investigation by a public body are still considered protected activity. See MCL 15.362; *Chandler v Dowell Schlumberger Inc*, 456 Mich 395, 399 (1998). Any contrary suggestion in our earlier opinion in this case, *Whitman v City of Burton*, 493 Mich 303, 313 (2013), is VACATED.

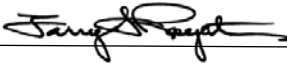
We do not retain jurisdiction.



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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.

November 19, 2014


Clerk