

STATE OF MICHIGAN  
IN THE 17th CIRCUIT COURT FOR KENT COUNTY

LORI LAGRONE,

Plaintiff,

Case No. 12-03472-CL

vs.

HON. CHRISTOPHER P. YATES

SPECTRUM HEALTH HOSPICE;  
SPECTRUM HEALTH CONTINUING  
CARE; and SPECTRUM HEALTH  
SYSTEMS, jointly and severally,

Defendants.

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ORDER EXCLUDING CASE FROM SPECIALIZED BUSINESS DOCKET

On April 16, 2012, Plaintiff Lori LaGrone, acting *in propria persona*, filed a complaint in which she alleged that she was disciplined and ultimately discharged in violation of the Michigan Whistle-Blowers' Protection Act ("WPA"), MCL 15.361, *et seq.* On April 30, 2012, the defendants submitted a notice for assignment of the case to the Specialized Business Docket ("SBD") because the complaint brings the case within the identified category of "employment law matters, including employer/employee noncompetition, nondisclosure, and non-solicitation agreements, and wrongful termination[.]" Although an argument certainly can be made that Plaintiff LaGrone's WPA claim falls into one of the SBD categories identified in the Court's Local Administrative Order 2011-05, a careful review dictates that the case does not qualify for treatment under the SBD.

To be sure, section II(A)(16) of Local Administrative Order 2011-05 states that the following case types "shall be assigned to the SBD: Employment law matters, including employer/employee noncompetition, nondisclosure and non solicitation agreements, and wrongful termination[.]" At first

blush, this language seems to sweep within its ambit all garden-variety wrongful termination cases, including all of the cases alleging violations of the WPA, the Elliott-Larsen Civil Rights Act, MCL 37.2202(1), and a host of other statutory schemes. But Local Administrative Order 2011-05 was not intended to sweep so broadly. Although divining the drafters' intent often is a risky undertaking, in this case the drafter of the Local Administrative Order – Chief Judge Donald A. Johnston – happens to be readily available for consultation on such matters and empowered under Local Administrative Order 2011-05 to serve as the final arbiter of all questions concerning SBD assignments.\*

In the Court's opinion as informed by Chief Judge Johnston, the terms employed in section II(A)(16) of Local Administrative Order 2011-05 must be read *in pari materia*, which dictates that the SBD should only include employment law matters that involve “noncompetition, nondisclosure, and non solicitation agreements,” whether or not the former employee alleges wrongful termination. Any other approach could swamp the SBD with run-of-the-mill wrongful-discharge claims, bringing myriad individual plaintiffs – with or without counsel – into the self-described specialized docket. Accordingly, the instant case, which presents a routine WPA claim brought by an individual, must be excluded from the SBA. Coincidentally, then, the instant case remains assigned to Chief Judge Johnston.

IT IS SO ORDERED.

Dated: May 7, 2012



HON. CHRISTOPHER P. YATES (P41017)  
Kent County Circuit Court Judge

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\* According to section V(B)(2), “[t]he SBD Judge may remove a case from the SBD to the Civil/Criminal or Family docket, whichever is applicable, with approval of the Chief Judge.” See Local Administrative Order 2011-05 at 7.