

Order

Michigan Supreme Court
Lansing, Michigan

January 28, 2022

Bridget M. McCormack,
Chief Justice

162680

LAKISHA McMILLON,
Plaintiff-Appellant,

v

CITY OF KALAMAZOO,
Defendant-Appellee.

SC: 162680
COA: 351645
Kalamazoo CC: 2019-000252-CD

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

On order of the Court, the application for leave to appeal the January 21, 2021 judgment of the Court of Appeals is considered. We direct the Clerk to schedule oral argument on the application. MCR 7.305(H)(1).

The appellant shall file a supplemental brief addressing whether: (1) *Timko v Oakwood Custom Coating, Inc.*, 244 Mich App 234 (2001), correctly held that limitations clauses in employment applications are part of the binding employment contract; (2) the appellant is bound by the terms of a document that states “this . . . is not a contract of employment,” see *Heurtebise v Reliable Business Computers, Inc.*, 452 Mich 405 (1996); (3) contractual limitations clauses that restrict civil rights claims violate public policy, see, e.g., *Rodriguez v Raymours Furniture Co, Inc.*, 225 NJ 343 (2016); and (4) these issues are preserved. See *Michigan Gun Owners, Inc v Ann Arbor Public Schools*, 502 Mich 695, 708-709 (2018). The appellant’s brief shall be filed by March 28, 2022, with no extensions except upon a showing of good cause. In the brief, citations to the record must provide the appendix page numbers as required by MCR 7.312(B)(1). The appellee shall file a supplemental brief within 21 days of being served with the appellant’s brief. A reply, if any, must be filed by the appellant within 14 days of being served with the appellee’s brief. The parties should not submit mere restatements of their application papers.

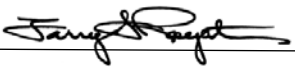
The Business Law and Labor and Employment Sections of the State Bar of Michigan, the Michigan Association for Justice, the Michigan Chamber of Commerce, and the Michigan Defense Trial Counsel are invited to file briefs amicus curiae. Other persons or groups interested in the determination of the issues presented in this case may move the Court for permission to file briefs amicus curiae.



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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.

January 28, 2022


Clerk