

# State senators become part of high court's ruling

**BY TIM RICHARD  
STAFF WRITER**

Suburban state senators found their 1987 speeches quoted as the Michigan Supreme Court ordered a worker injury case to be revived in Wayne Circuit Court.

The high court said the late Judge Samuel Turner erred when he summarily dismissed, without trial, Stanislaw Golec's suit for intentional injuries against Metal Exchange Corp., a plant in Detroit. Turner ruled Golec was limited to worker's comp benefits.

Justice split along familiar lines.

Justice Patricia Boyle, in the controlling opinion, said Golec's case "creates the existence of a genuine issue of material fact with respect to whether his

employer may be deemed to have intended to injure plaintiff." She was joined by Conrad Malott Jr., Michael Cavanagh and Charles Levin — three Democrats and a liberal independent.

Dissenting were Justices Dorothy Comstock Riley, Elizabeth Weaver and James Brickley — Republican nominees. Even if Golec's allegations were true, they said, they "do not believe that they demonstrate an intentional tort. The employer simply did not have actual knowledge that an injury was certain to occur."

Golec was injured twice on his shift in 1988 when piles of scrap exploded as he loaded them into a furnace, showering molten aluminum on him. The 11 p.m. explosion hurt only his hand. The 3 a.m. explosion — after a

supervisor ordered him back to work — burned 30 percent of his body.

Carol McNeillage, his Southfield attorney, said Golec, a Hamtramck resident in his 30s, never has returned to work, wears pressure garments and has limited use of his arms and legs.

**A 'compromise'**

But under 1987 compromise amendments to that law, the Supreme Court said there was room for a tort suit. It quoted:

• Sen. John Cherry, D-Cllo, whose district includes northern Oakland County. "I think it (Senate-House conference report) represents a very reasonable compromise. . . If the House had originally adopted the substitute offered by Sen. (now

Gov.) Engler, (the law) may have eliminated a cause of action (lawsuit)."

Commented the high court: "Sen. Cherry's comments indicate . . . there was still room for tort recovery in this area."

• Sen. Fred Dillingham, R-Fowlerville. "It is our intent . . . that the injured employee may only bring an intentional tort action in a court of law if the employer knowingly and deliberately injured an employee."

The high court commented that Dillingham wanted "a more rigorous standard." So the majority sought to determine the fine lines in the House-Senate compromise. They concluded:

"We construe the phrase 'deliberate act' to include a situation in which an employer consciously fails to act. . . (In acting or failing to act, the employer

must have determined to injure the employee; in other words, he must have had the particular purpose of inflicting an injury upon his employee."

**Closely watched**

The Supreme Court dismissed several supervisory employees as defendants but retained the case against Metal Exchange and one supervisor.

Golec charged the company failed to require him to wear protective clothing, failed to implement safety rules, failed to provide him with a tractor equipped with splash guards and failed to eliminate the hazards of excessive moisture and closed aerosol containers from the scrap aluminum he was loading. Golec used a tractor without a plexiglass splash guard because the usual tractor was out of service. He wore a helmet and mask but said he was provided no other

protective clothing.

McNeillage said the firm hired many Polish and Arab immigrants, "the majority of whom could not speak or read English."

Metal Exchange argued that worker's compensation was Golec's exclusive remedy, and that Golec failed to follow safety instructions.

The Supreme Court said Golec deserved a chance to prove to a trial court that "his employer had actual knowledge that an injury was certain to occur, yet disregarded that knowledge." It said Golec "could" win, not that he would win, allowing Metal Exchange could prove Golec's loading technique or a defect in the furnace could have caused the explosion.

The case drew "amicus" briefs from the American Society of Employers, Michigan Chamber of Commerce, Michigan Manufacturers Association and insurance associations.

# Kennel club sponsors show, taste-fest

Pontiac Kennel Club, Inc., a nonprofit Michigan corporation, is having its Annual Summer AKC dog show and first annual 21 Restaurant Taste-Fest Saturday and Sunday, Aug. 17 and 18.

The event is being held on the grounds of Oakland University from 8 a.m. to 6 p.m. both days.

Nearly 1,300 dogs have entered the Sunday AKC conformation and obedience trials, representing over 110 different pure breeds. Saturday events include the first ever "Breeder's Cup," which will feature some of the top area breeders, and a sanctioned AKC B-OB match, which follows the same format for the Sunday AKC dog show and obedience trials.

The parade of champion rounds out the Saturday dog events, which features AKC champion dogs. There is no competition involved with the parade, just some beautiful dogs. What is so special about these events is the special "Puppy competitions," with one puppy out of hundreds being named "Best Puppy in Show," in addition to

the regular "Best in Show Dog."

The participants will be competing for thousands of dollars in prizes donated by Lang Feed company. Lang Feed is a local company that has been supplying area breeders with quality dog food for more than 60 years.

Special friends of PKC will include Michigan Anti-Cruelty Society and Michigan Animal Rescue League, in addition to other pure-breed rescue groups. These nonprofit groups will have animals that are in need of adoption into loving homes.

Another special friend is Leader Dogs for the Blind. They will be looking for quality homes for their raiser program. This program places quality puppies in homes until they are 12- to 15-months-old and ready to become a Lead Dog.

Attractions include the Oakland County Canine 4-H Clubs. This group consists of kids 9-19 who learn dog care and training. The kids do all their own training and grooming. This group performs at the DKC dog show, area nursing homes, Muscular

Dystrophy camps, and parades in the area. They have about 65 current members and are one of the oldest 4-H clubs in Michigan. They will be demonstrating obedience routines to music, agility and tricks. They will also have Leader Dogs with them to explain the Leader Dog program.

Michigan State Police will be on hand to show everyone how police dogs benefit all of us in the fight against drugs and crime.

Another friend, Michigan Technical Rescue Operation Team, will demonstrate how dogs are used in rescue situations like buildings collapsed by explosion.

Live entertainment will be a Rochester Barbershop quartet, Imaginary Friend (a five-piece rock group), Joe Moore and his saxophone, and Kevin Solecki and his accordion presenting special Polish selections. Other groups will be dropping in to perform during the event.

One of the most interesting things about this show is the Taste-Fest. It includes more

than 21 of the finest area restaurants in the area. The participating restaurants are:

Olive Garden, Ruby Tuesday, La Merienda Cafe, Red Lobster, Shalimar Cuisine of India, Mitchs, Mountain Jack's, Amici Italian Grill, Mr. Pizza Bootleg Party Store, Filippa's, Max and Ermas, Moose Preserve, Camp Tironoga, O'Shea's, Beal Street Blues, Gargoles Coffee-house, Mexico Lindo Restaurant, Jannigan's, TGI Friday's, Mr. B's, Oyster Alley/Classic Catering and El Nibble Nook

The restaurants are preparing some of the best of their cuisine at a fraction of the prices you would usually see on their menus. The restaurants will be serving from 8 a.m. to 6 p.m. on Saturday and Sunday.

Admission is \$5 per day for adults, \$2 for students and seniors. A family plan for parent and their children is \$12. Parking is \$5.

For more information, contact Phyllis Burdick at (810) 363-0003 or Chuck Jacobs at (313) 375-0034.

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# Show explores kids' feelings

Taping for the Sept. 1 showing of WKBD UPN TV-50 showing of Straight Talk is at 4:45 p.m. Tuesday, Aug. 20 at the station's studios, 26905 West Eleven Mile Road, Southfield.

The program, "At Life's End:

Kids Have Feelings Too!" is hosted by Amyrre Makupson, the station's 10 p.m. news anchor.

To be part of the studio audience, call (810) 355-7089, 24 hours a day.

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