

JUN 24 2011

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

Daniel Plouffe,
Individually and on behalf of a class
of similarly-situated persons,

Plaintiff,

vs.

General Motors, LLC
a Delaware corporation,

Defendant.

PLOUFFE, DANIEL v GENERAL MOTORS
Hon. Daphne Means Curtis 06/24/2011



11-007645-CL

**COMPLAINT FOR INJUNCTIVE AND DECLARATORY
RELIEF AND MONEY DAMAGES AND
DEMAND FOR JURY TRIAL**

There is no other civil action between these parties arising out of the same transaction or occurrence as alleged in this complaint pending in this court, nor has any such action been previously filed and dismissed or transferred after having been assigned to a judge, nor do I know of any other civil action, not between these parties, arising out of the same transaction or occurrence as alleged in this complaint that is either pending or was previously filed and dismissed, transferred, or otherwise disposed of after having been assigned to a judge in this court.

MICHAEL L. PITT

Plaintiff complains of Defendant for the following reasons:

I. JURISDICTION, VENUE AND STANDING

1. Plaintiff Daniel Plouffe ("Plouffe"), born May 15, 1953, is a resident of Wayne County, Michigan; Defendant, General Motors Company ("New GM" or defendant), is a Delaware corporation (incorporated on August 11, 2009), headquartered and established in Wayne County, Michigan; all of the events in controversy occurred in Wayne County, Michigan; the amount in controversy exceeds \$25,000.00, exclusive of interest, costs and attorney fees. Plouffe has standing to bring this class action against New GM, his current employer, on behalf of all older former Executives

II. INTRODUCTION

2. This age discrimination case is brought under the Elliot-Larsen Civil Rights Act ("ELCRA") by New GM employee Plouffe, currently age 58, on behalf of all Michigan based "older" (age 50 or older) former GM Executives who are currently employed by New GM and who were adversely treated by New GM in the unlawful manner set forth in this Complaint.

3. Plaintiff seeks for himself and all class members equitable relief in the manner described in this Complaint, compensatory damages for the economic and non-economic losses of plaintiff and the class members and a declaration that the challenged employment policies and practices are illegal.

4. All of the activities complained about occurred after Old GM completed bankruptcy (July 10, 2009) and the New GM was formed.

5. The New GM strategy was to reduce about 35% of its Executive workforce by focusing on the elimination, demotion and replacement of its Executive base who were age 50 or older (“older Executives”) using the following unlawful techniques:

- a. Replacing the older Executives with younger Executives or younger non-Executives based on the stereotypical belief that younger Executives are better equipped than the older Executives to produce satisfactory results for the New GM.
- b. Encouraging its older Executives to retire in lieu of a humiliating or economic disadvantaged separation or demotion in order to make room for the promotion of younger Executives or for the purpose of promoting younger non-Executives into the Executive ranks;
- c. Consolidating business units managed by younger and older Executives by placing the younger Executive in charge of the consolidated business without interviewing or objectively considering whether the younger or older Executive would be better suited for management of the consolidated entity;
- d. Demoting its older former Executives through a humiliating process known as “de-leveling”;
- e. Encouraging the early departure of its retained older demoted former Executives by denying them fair and equitable compensation;
- f. Encouraging the early departure of its retained older former Executives by offering to assist them in finding positions outside of GM;

- g. Encouraging the early departure of retained older former Executives by unfairly blocking any chance of promotion or transfer which would enable them to re-claim their lost Executive status.
- h. Filling open positions with younger Executives or non-Executives without providing the retained older former Executives an opportunity to apply for the open position or considering the qualifications of the candidates for the position in question.

III. STATEMENT OF FACTS REGARDING NEW GM'S PATTERN OF AGE DISCRIMINATION AGAINST ITS OLDER EXECUTIVES

6. The New GM, almost from its moment of inception, began a campaign to eliminate its older Executives and replace them with younger individuals:

- a. CIO Ralph Szygenda, age 60, was replaced in July, 2009 with Terry Kline, age 47.
- b. Vice President of U.S. Sales, Mark LaNeve, age 50, with a long record of service to GM, was replaced in October, 2009 with Susan Docherty, age 47, described by former CEO Henderson to Auto Week as someone who "brings a fresh perspective to the job and she has an extraordinary high level of energy."
- c. Michael Richards, President of Buick-GMC, age 52, was replaced in December, 2009 with Brian Sweeny, age 42.
- d. Brent Dewar, President of Chevrolet, age 54, was replaced in December, 2009 with James Campbell, age 45.

- e. John Smith, age 59, GM vice president of corporate planning and alliances, was replaced in February 2010 with Stephen Girsky, age 47.
- f. Katy Barclay, Vice President of Global Human Resources, age 53, was replaced in July, 2009 with Mary Barra, age 48.
- g. Troy Clarke, age 54, was replaced in December, 2009 by Mark Reuss, age 46, as Vice President of Engineering.

7. On September 21, 2009, Fortune Magazine reported that “[b]y the end of the year [2009] Henderson will have swept out 450 of the company’s 1,300 executives, including a dozen of the highest ranking. He’s replaced them with younger managers who weren’t around when GM dominated the U.S. market.”

8. On December 11, 2009, USA Today reported on the “frenzied pace” of Executive turnover at the top of GM following the ouster of former CEO Fritz Henderson. The article noted that Ed Whitacre, New GM’s Chairman and interim CEO was fueling the pace of the turnover.

9. Michelle Krebs, senior analyst at the consumer auto website Edmunds.com was quoted as stating: “Whitacre’s current track record at GM demonstrates that he’s looking for bright, young executives many of whom may be largely unknown to the outside world.”

10. On February 18, 2010, Business Week Magazine reported that: “Chevrolet has a new chief, and James Campbell [45] is as surprised as anyone that he’s it. Campbell, who spent 22 years helping dealers market cars, is one of several young executives promoted by former CEO Edward E. Whitacre, Jr.”

11. On December 4, 2009, The New York Times (NYT) reported on the promotion of Mark Reuss to the position of President of North America Operations. "Mr. Reuss, 46, had only recently been made a vice president in charge of engineering at G.M. But he was one of several younger executives that [former] Mr. Whitacre and other new G.M. directors had identified as taking on more responsibility."

12. On December 5, 2009, NYT reported that former CEO "Edward E. Whitacre Jr. wasted little time shaking up management ranks of General Motors, just three days after he took over as executive chief, by promoting on Friday a cadre of young executives to carry out his mandate of change."

13. The NYT article reported that Vice-chairman Robert Lutz, [77] lost most of his responsibilities. "People familiar with the latest executive changes said that Mr. Lutz was a casualty of the youth movement that Mr. Whitacre is pushing at G.M."

IV. STATEMENT OF FACTS REGARDING NEW GM'S DISCRIMINATORY TREATMENT OF PLOUFFE

14. Plouffe began his career as a salaried employee with the Old GM in June of 1971 at age 18.

15. Plouffe attained an Executive level status with the Old GM in 1989.

16. After a series of promotions, Plouffe was assigned to the Executive Level position of Director Global RWE Strategy and Development in September, 2005, reporting to John L. Gatt (Gatt), Director-Global Retail Integration Team ("GRI") in the Global Sales, Service and Marketing ("GSSM") division of Old GM. This unit of New GM's business was often referred to as

the "Dealer Business to Business Systems" because the focus of the business unit was the management of dealer systems. ("B2B Systems").

17. Edward Vogt ("Vogt"), currently age 49, began his career as a salaried employee of the Old GM in 1980.

18. After a series of promotions, Vogt attained the position of General Director Consumer Websites holding that position until August 17, 2009. This unit of New GM's business was often referred to as the "Business to Consumers Systems" ("B2C Systems") because the focus of the business unit was on development and management of customer websites, CRM and marketing operations.

19. On August 18, 2009, New GM announced that it would integrate the GSSM activities into the new General Motors North America("GMNA") and General Motors International Operations ("GMIO"). This August 18th announcement essentially consolidated the Dealer B2B Systems with the Consumer Websites/CRM and Marketing Operations (B2C Systems) with Vogt instead of Gatt installed as head of the consolidated organization.

20. The head of the Dealer B2B Systems within the consolidated organization was designated Executive level John Gatt who at that time was age 57. Gatt was designated to report to Vogt. After Gatt was informed of this pending reorganization he decided to retire due to related concerns but ended up working for Hummer for several months before retiring.

21. On August 13, 2009, Vogt met with Plouffe to give Plouffe a "heads-up" about the impending announcement that B2C Systems would be combined with B2B Systems and that he (Vogt) would head of the consolidated organization. Plouffe was told that Gatt would work with Hummer for awhile and then retire.

22. At the August 13th meeting with Vogt, Vogt informed Plouffe that he might lose his Executive status as part of the consolidation process. Vogt stated to Plouffe that once he lost his Executive status, it would be unlikely that he would regain that status because he “didn’t have that many more years to work before retirement.”

23. During the August 13th meeting with Plouffe, Vogt encouraged Plouffe to “give serious consideration” to seek employment opportunities with another company due to a lack of future opportunities.

24. On August 20, 2009, Plouffe met again with Vogt. Plouffe was told that he would definitely lose his Executive status, even though he would remain the leader of the B2B Systems Group because John Gatt moved to Hummer in the July/August timeframe.

25. On September 10, 2009, Plouffe again met with Vogt to discuss his status in the new organization. Vogt reiterated to Plouffe that he was “not optimistic he would retain” his Executive status. Vogt told Plouffe that Gatt (age 57) would continue to work with Hummer and would retire in the near future and Plouffe would probably not pick up Gatt’s Executive status as head of B2B Systems.

26. Gatt and Vogt both agreed that Plouffe’s position (after Gatt’s retirement) should remain at an Executive level. Vogt asked Plouffe to complete a “leveling” form to justify his position at an Executive level. Notwithstanding Vogt’s and Gatt’s recommendation, Human Resources rejected Vogt’s request to keep Plouffe’s position at an Executive level.

27. At the September 10th meeting, Plouffe was told by Vogt that whereas there were four Executives managing the Dealer B2B Systems Unit (Plouffe, Gatt, Marty Raymond and Bill Middlekauff), now Plouffe would have to manage the entire staff (minus two employees).

Plouffe argued that given the Executive level span of control he retained, he should be designated as an Executive.

28. At the September 10th meeting, Vogt told Plouffe that it was unlikely that he would retain Executive status “due to your age versus others whom the senior executives are very aware of and will want to reward for their work and contributions.”

29. On September 17, 2009, Vogt announced his new organizational structure. This included confirmation that Gatt would continue to work with Hummer and that Plouffe would continue to lead the Dealer B2B Systems team.

30. Vogt also told Plouffe after the announcement meeting that he would be “de-leveled” to a 9th level on October 1, 2009, along with a group of other former executives in other groups.

31. On September 30, 2009, Vogt approached Plouffe and asked him if he wanted to retire in order to avoid the demotion. Plouffe informed Vogt that he was not interested in retiring at that time.

32. Plouffe was officially “de-leveled” to a Grade 9 position on October 1, 2009.

33. On February 2, 2010, Plouffe met with Vogt and was informed he would not be receiving a salary increase like the vast majority of others because his de-leveling placed him at the top of the 9th level pay bracket. Plouffe met with Vogt about his efforts to regain an Executive status position. Vogt told Plouffe that his “potential” for recovering an Executive level position probably wasn’t very high due to his age.

34. At the February 2nd meeting, Vogt told Plouffe that “if Executive positions were available, [Senior Management] would look for some younger ‘up and comer’ with high future potential vs. you.”

35. Also, at the February 2nd meeting, Vogt again encouraged Plouffe to seek employment opportunities with another company.

36. On March 9, 2010, Plouffe met with Kim Howe (“Howe”) of New GM Human Resources in his effort to gain “re-leveling” to an Executive level status. Howe informed Plouffe that it was unlikely that he would be considered for an Executive level position because of his age (57) and because he was generally “unknown” by the current Senior Staff because of his tenure with Saturn.

37. During his March 9th conversation with Howe, Plouffe asked why he was not interviewed for the position of head of the consolidated B2B Systems/B2C Systems. Howe said that when groups were combined as part of the re-organization, the heads of both groups were generally interviewed. She could not explain why the standard interviewing process was not used in this situation.

38. During the March 9th conference with Howe, Howe described for Plouffe the “9 Block” employee ranking process used by New GM to determine merit increases and promotability.

39. Howe said that the employees getting to the top block are “mainly younger not older people like us [Howe is in her 50’s]....these are the people [employees in the top block] who will be viewed for promotions and appointments to executive positions”.

40. On May 6, 2010, Plouffe met with Vogt regarding Plouffe 's efforts to re-level his position to an Executive level. Vogt promised to inquire from his superiors whether Plouffe's request could be granted. No changes were made.

41. On May 18, 2010, Vogt sent an email to Plouffe to inform him of an outside job opportunity from an executive recruiter.

42. On May 19, 2010, Vogt asked Plouffe if he read this May 18th email and again encouraged Plouffe to seek employment opportunities with another company.

43. During the May 19th meeting with Plouffe, Vogt said that if Plouffe left New GM immediately he probably could get a second pension from another company. Moreover, Vogt informed Plouffe he could wait until age 62 to take his GM pension and by doing so would not experience an age based reduction for early retirement.

44. On July 27, 2010, Vogt again sent Plouffe another email from an outside executive recruiter regarding a position with another auto manufacturer.

45. On November 8, 2010, Plouffe wrote to Don Johnson ("Johnson"), Vice President –US Sales Operations advising him that his position was not "appropriately leveled" noting that he has significantly more responsibility as a 9th level than he did as an Executive and that his lack of Executive level status was impairing his ability to interact with: 1) other GM Executives; and 2) senior leaders from outside companies he needed to interface/negotiate with on an ongoing basis. Plouffe expressed concern that his age was a factor in the de-leveling decision and was also preventing him from re-gaining an executive level position.

46. On November 22, 2010, Plouffe met with Johnson about his concerns regarding 9th level status and compensation issues. Johnson advised Plouffe that he was unlikely to

receive an Executive level position because of the competition at that level and the need to keep the positions available for those who were “coming up and may be viewed as having more time available for future moves.”

47. On December 17, 2011, Plouffe met with Johnson and again he was informed that there would be no adjustments to his 9th grade level or compensation.

48. On January 6, 2011, Plouffe met with Howe to provide her with an update on his two meetings with Johnson and to re-emphasize his concern that his position was not leveled properly.

49. On January 18, 2011, Plouffe received notice that Sandor Pizar (“Pizar”), age 42, and Cristi Landy (“Landy”), age 43, were promoted to executive positions in the GM Sales and Marketing Organization. Plouffe was not considered for these positions.

50. On January 20, 2011, Plouffe met with Vogt to discuss the promotions of Pizar and Landy. Plouffe was informed that Pizar was promoted to an Executive level position. Plouffe expressed disappointment that he was not considered for these positions. Plouffe stated that he was more than an expert in “systems” (his current assignment) and has a broader sales background. Vogt responded by indicating that Plouffe was “pigeon-holed” in systems and that his age may also have been a factor. He promised to have Human Resources again consider “re-leveling” Plouffe’s position to an Executive level. Plouffe told Vogt that he didn’t think his age should be considered in deciding on promotions. Vogt agreed with Plouffe.

51. On January 31, 2011, Plouffe received a “Far Exceeds Expectations” performance rating (which is the highest performance rating in the New GM performance matrix). Vogt

advised Plouffe that he would again resubmit his position to be “re-leveled” to an Executive level position.

52. On March 22, 2011, Vogt sent Plouffe an announcement for the position of Executive Director-US Sales for an unnamed Automotive OEM with the message “Not that I am trying to move you out but wanted you to see this one.”

53. On April 12, 2011, Plouffe applied for an Executive level position with Cadillac reporting to Kurt McNeil (“McNeil”), U.S. Vice-President of Cadillac Sales and Service. The position was for Director of Sales Operations, a position Plouffe was well qualified for.

54. On April 14, 2011, Plouffe met with Chuck Thomson (“Thomson”), General Manager – Retail Sales Support (Vogt’s supervisor) to seek his support for an Executive level opening in McNeil’s business unit as Cadillac’s Director of sales Operations. He also met with Thomson to discuss his ability to re-gain an Executive level position in other situations.

55. Thomson advised Plouffe that his current position could not be re-leveled to an Executive level status in the current New GM environment.

56. During the April 14th meeting, Thomson advised Plouffe that the “HR committees are looking at candidates [for Executive positions] differently now...they look at “runway” and the individual being capable of achieving an additional “2 moves up” after they become Executives.”

57. During the April 14th meeting, Plouffe advised Thomson that what he was told “doesn’t feel right” and that it “feels like because of one’s age [opportunities are denied] even though the employee is doing outstanding work and may be equally or more qualified for the

position” Thomson said in response to Plouffe’s comment that “it’s not about age, it’s about “runway/two moves up,...and you don’t have two moves in you.”

58. During the April 14th meeting, Thomson also advised Plouffe that he would probably not be considered for a promotion within his or McNeil’s organization because of Plouffe’s lack of “runway/two moves up.”

59. During the April 14th meeting, Thomson informed Plouffe he isn’t ranked in the top block of the New 9 Block System and that individuals must be in the top block ranking to get executive positions.

60. On April 18, 2011, in the course of general business discussions, Vogt volunteered to help Plouffe “get out of GM early” by securing a severance package from Human Resources. Plouffe declined Vogt’s offer.

61. On April 19, 2011, Plouffe was interviewed for the Cadillac Director of sales Operation position by McNeil.

62. On April 25, 2011, McNeil announced that Jean Hoglund, age 43, was appointed to the Cadillac Director of Sales Operations position.

63. On May 5, 2011, Plouffe spoke with another individual at GM regarding his promotional opportunities. This individual told Plouffe that “there may be a list of all unclassified [Executives] that were demoted and an unwritten policy that these individuals [former Executives] cannot be promoted back to unclassified.”

64. On May 23, 2011, Vogt met with Plouffe to tell him he was reorganizing the department and, as a result, Plouffe would have less responsibility and less GM employees reporting to him.

65. At this meeting, Vogt also told Plouffe his new position should be an 8th level but Thomson and Vogt had agreed as long as Plouffe stays in the new position, he will retain the 9th level.

66. As a direct result of the discriminatory conduct alleged above, Plouffe has and in the future will experience a substantial economic loss; Plouffe has and in the future will experience substantial non-economic losses in the nature of profound humiliation, damage to his reputation, emotional distress and mental anguish.

V. STATEMENT OF FACTS REGARDING GM'S EMPLOYMENT PRACTICES AND POLICIES

67. In the late 1980's Old GM used a forced ranking system to determine who received pay raises, but abandoned it after a class action case was brought against it. F. Alan Smith, head of Human Resources for GM at the time, recalls that its forced ranking system created 10 problems for every one it solved. See Article, Forced Ranking and Age-Related Employment Discrimination,

http://www.americanbar.org/publications/human_rights_magazine_home/irr_hr_spring04_forced.html

68. In more recent times, New GM has adopted a forced ranking system whereby salaried employees are ranked for purposes of awarding the benefits of employment including but not limited to assignments, promotions, merit pay, bonuses and other forms of incentive compensation.

69. New GM has also adopted a Leadership Assessment ("9 Block") method of evaluating salaried employees based on performance and promotion potential. In order to be

considered for placement in the highest “block”, the employee must have time left in his/her career for two promotions.

70. New GM also has a practice of refusing to “re-level” former Executives after they have been “de-leveled” regardless of performance circumstances or the assignment the former Executive holds.

COUNT I
VIOLATION OF THE ELLIOTT-LARSEN CIVIL RIGHTS ACT (ELCRA)
Disparate Treatment - Age Discrimination

71. Plaintiff incorporates by reference all the allegations contained above, as though stated in full herein.

72. At all times relevant to this action, New GM was an employer within the meaning of the ELCRA. MCL §37.2201(a).

73. Under the ELCRA, New GM is prohibited from limiting, segregating or classifying an employee in a way that deprives or tends to deprive the employee of an employment opportunity because of the individual’s age, or to otherwise discriminate against an individual with respect to employment, compensation or a term, condition or privilege of employment because of the individual’s age.

74. In violation of the statutory duties set forth in the ELCRA, New GM discriminated against Plaintiff and all other members of the class as follows:

- a. Replacing Plouffe and other older Executives with younger Executives or younger non-Executives based on the stereotypical belief that younger Executives are better equipped than older Executives to produce satisfactory results for the New GM.

- b. Encouraging Plouffe and other older Executives to retire in lieu of a humiliating or economic disadvantaged separation or demotion in order to make room for the promotion of younger Executives or for the purpose of promoting younger non-Executives into the Executive ranks;
- c. Consolidating business units managed by younger (Vogt) and older (Plouffe) Executives by placing the younger (Vogt) Executive in charge of the consolidated business without interviewing or objectively considering whether the younger or older Executive would be better suited for management of the consolidated entity;
- d. Demoting Plouffe and its other older former Executives through a humiliating process known as "de-leveling";
- e. Encouraging the early departure of Plouffe and its other retained older demoted former Executives by denying them fair and equitable compensation;
- f. Encouraging the early departure of Plouffe and its other retained older former Executives by offering to assist them in finding positions outside of GM;
- g. Encouraging the early departure of Plouffe and its other retained older former Executives by unfairly blocking any chance of promotion or transfer which would enable them to re-claim their lost Executive status.
- h. Filling open positions with younger Executives or non-Executives without providing Plouffe or the other retained older former Executives an

opportunity to apply for the open position or considering whether Plouffe or the other retained former Executive was more qualified than the individual appointed to the position in question.

75. As result of the unlawful conduct set forth above, Plouffe and other class members have and will continue to experience all the injuries and damages set forth in paragraph 66 above.

Accordingly, Plaintiff requests the following relief from this Court:

- A. An order of this Court awarding Plouffe and the adversely affected class members all economic losses, lost wages and benefits, and other forms of compensation, economic and non-economic damages, past and future, resulting from the discriminatory treatment described in this Complaint;
- B. An order of this Court reinstating Plouffe and other class members to an appropriate Executive level position;
- C. An order of this Court awarding interest, costs and attorney fees;
- E. An order of this Court awarding such other relief as this Court deems just and equitable.

COUNT II
VIOLATION OF THE ELLIOTT-LARSEN CIVIL RIGHTS ACT (ELCRA)
Disparate Impact - Age Discrimination

76. Plaintiff incorporates by reference all the allegations contained above, as though stated in full herein.

77. The implementation of the forced ranking system, Leadership Assessment (“9 Block”) evaluation system and the practice of not “re-leveling” former Executives, designed to be “neutral”, violates the ELCRA’s prohibition against age discrimination in that its application had a disparate impact on the older retained former Executives.

78. As a direct result of the disparate impact on the basis of age, Plouffe and class members have suffered, and will continue to suffer, all of the injuries and damages as set forth in paragraph 66 above.

Accordingly, Plaintiff requests the following relief from this Court, as requested in Count I, above:

- A. An order of this Court declaring that policies and practices described in this Complaint violate the ELCRA prohibition against age discrimination and enjoining New GM for further use of these policies and practices;
- B. An order of this Court reinstating Plouffe and other class members to an appropriate Executive level position;
- C. An order of this Court awarding Plouffe and the adversely affected class members all economic losses, lost wages and benefits, and

other forms of compensation, economic and non-economic damages, past and future, resulting from the discriminatory treatment described in this Complaint;

- D. An order of this Court awarding interest, costs and attorney fees;
- E. An order of this Court awarding such other relief as this Court deems just and equitable.

CLASS ACTION ALLEGATIONS

79. Plouffe brings this action individually and on behalf of all Michigan based “older” (age 50 or older) former GM Executives who are currently employed by New GM and who were adversely treated by New GM in the unlawful manner set forth in this Complaint. In accordance with MCR 3.501, the class is so numerous that joinder of all members is impracticable, there are questions of law or fact common to the members of the class that predominate over questions affecting only individual members, the claims of the representative-parties are typical of the claims of the class and the representative-parties will fairly and adequately assert and protect the interests of the class. MCR 3.501(A)(1)(a)-(d).

80. The maintenance of the action as a class action will be superior to other available methods of adjudication in promoting the convenient administration of justice. MCR 3.501(A)(1)(e).

81. The factors which suggest that class action is superior to other available methods of adjudication include:

- (a) The fact that the prosecution of separate actions by individual members of the class will create the risk of inconsistent adjudications with respect to individual members of the class;
- (b) The fact that final equitable or declaratory relief is requested in this action;
- (c) The fact that the action will be more manageable as a class action;
- (d) The fact that the complexity of the issues or the expenses of the litigation are such that separate actions may not be justified;
- (e) The fact that the amount which may be recovered by individual class members will justify the expense and effort of administering the class action; and
- (f) The fact that members of the class do not have a significant interest in controlling the prosecution of separate actions.

MCR 3.501(A)(2)(a)-(f).

Accordingly, Plaintiff requests that this Court order that this matter be permitted to proceed as a class action.

PITT McGEHEE PALMER RIVERS & GOLDEN, P.C.



BY: _____

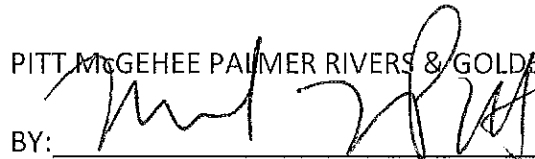
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Dated: June 24, 2011

DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury of all issues to the within cause of action.

PITT McGEHEE PALMER RIVERS & GOLDEN, P.C.



BY: _____

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