

**QUESTION 13    THE ANSWER TO THIS QUESTION SHOULD GO IN  
BLUEBOOK V OR IN EXAMPLIFY ANSWER SCREEN 13**

Emily is an employee of ABC Medical Supplies (ABC). She works in one of ABC's regional field offices supervising a team of 60 sales associates who fill orders from hospitals, doctors, and in-home medical providers for medical equipment.

Although economic conditions for ABC's products were good, ABC's owners were intent on further increasing profits. To that end, ABC began reducing its staff of sales associates to help the company's bottom line. As a result of these staff reductions, ABC instructed Emily to begin doing work previously performed by some of her sales associates in addition to her usual supervisory duties.

Emily complied. Over the next few months, however, she began to feel stressed and anxious as she strove to satisfy the demands of her supervisory job and the additional sales duties. She had never experienced anxiety problems before. She complained to ABC, but ABC was unresponsive, explaining that it was intent on continuing its cost-cutting plan.

Soon thereafter, ABC began requiring more from Emily, including a demand she do the paperwork aspects of her supervisor job at home after her usual work office hours so she would have more time in the office to do sales associate work. Emily's anxiety increased with this additional workload. She told ABC its demands were increasing her anxiety and she questioned her ability to persevere under these conditions. ABC was unmoved and reiterated its intent to pursue its agenda.

A month later ABC directed Emily to be accessible by email or text 24 hours per day to respond to problems her sales associates were having filling orders. Emily immediately began fielding many off hours calls and texts from overworked sales associates. Emily again complained to ABC about the stress resulting from making herself available around the clock. ABC reiterated its intent to move forward with its program regardless of her anxiety complaints.

A month into the 24-hour program Emily experienced, in her words, "a nervous breakdown" in trying to keep pace with work demands. She visited her doctor who diagnosed an anxiety disorder that will require treatment and therapy. The doctor added she fortunately had no physical problems.

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Emily also visited her lawyer. Her lawyer is considering filing a workers' compensation claim on Emily's behalf. Her lawyer is also considering filing a state court tort action against ABC for intentionally causing Emily's anxiety disorder.

**Applying Michigan law, answer these two questions raised by Emily's case:**

1. Does Michigan's workers' compensation statute allow recovery for mental injuries where there has been no physical trauma and no physical injury? Explain your answer.

2. Can Emily maintain a state court cause of action against ABC for an intentional tort? Why or why not? Ignore any possible claims brought under the Americans with Disabilities Act.

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