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March 2020

First Coronavirus-Related Wrongful Termination Lawsuit Filed In Michigan

On March 20, 2020, Plaintiff Brandon Romines (“Romines”) filed the first coronavirus-related wrongful termination lawsuit in the Federal District Court for the Eastern District of Michigan. Unfortunately, we expect this to be merely the first of very many suits aimed at employers’ responses to the unique challenges of the COVID -19 Pandemic.

In *Romines v. The SSA Group, LLC*, Romines alleges that he was fired for refusing to open concession stands at the Detroit Zoo¹ the morning after Gov. Gretchen Whitmer issued Executive Order 2020-05 (“Executive Order”), which banned, with a few exceptions, “all assemblages of more than 250 people in a single shared space and all events of more than 250 people are prohibited in this state.”²

According to the complaint, the SSA Group terminated Romines when he refused to open the concessions as directed, despite his concern that doing so would violate the Executive Order and “create a public hazard”. Romines further alleges that the SSA Group wrongfully and maliciously terminated his employment “in illegal retaliation for [his] refusal to violate the laws of the State of Michigan” and because he “exercised a right conferred by a well-established legislative enactment”.

As with most litigation, wrongful termination claims are very fact-specific and could largely depend on interpretation of executive orders, legislation, and other governmental acts in response to the COVID-19 pandemic. We recognize that in times like these, employers are caught between a rock and a hard place. While no answers are completely clear, Bodman’s skilled attorneys are here to advise you on termination decisions and help tilt the odds in your favor regarding potential litigation.

Please visit our [COVID-19 Resource website](#) or contact any of our Workplace Law Group attorneys listed below or litigation attorney **Joseph J. Shannon** at (313) 393-7549 or jshannon@bodmanlaw.com or **Katelyn Young** at (313) 393-7532 or kyoung@bodmanlaw.com if you need assistance.

¹The Detroit Zoological Society (“Detroit Zoo”) is not a party to this lawsuit and did not employ Romines. The SSA Group, LLC (“the SSA Group”) handles the Detroit Zoo’s concessions.

²https://www.michigan.gov/whitmer/0,9309,7-387-90499_90705-490040--,00.html

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