

THE UNIVERSITY OF MICHIGAN
REGENTS COMMUNICATION
ITEM FOR INFORMATION

Subject: Litigation

February 2024

NEW CASES

Karen Platt v University of Michigan. United States District Court, Eastern District of Michigan. (Judge Nancy Edmonds) (Filed September 20, 2023)

Plaintiff was an Administrative Assistant for Michigan Medicine and filed a two-count complaint alleging disability discrimination and retaliation after she was terminated from her position. Plaintiff seeks compensatory and punitive damages, lost wages and benefits, and reinstatement, together with interest, costs, and attorney's fees.

Ramon Satyendra v University of Michigan and University of Michigan Board of Regents. United States District Court, Eastern District of Michigan. (Judge Judith E. Levy) (Filed August 17, 2023)

Plaintiff filed a two-count complaint alleging race discrimination and retaliation after he claims he reported allegations of race discrimination by his supervisor and the university failed to take action. Plaintiff also alleges his supervisor took adverse actions against him because of his alleged protected complaints of discrimination. Plaintiff seeks economic and non-economic damages and emotional distress and punitive damages, together with costs and attorney's fees.

Somangshu Mukherji v University of Michigan Board of Regents; University of Michigan. United States District Court, Eastern District of Michigan (Filed August 22, 2023) (Judge Bernard A. Friedman)

Plaintiff was an Associate Professor in the School of Music, Theory and Dance at the University of Michigan. Plaintiff filed a two-count complaint alleging race discrimination and retaliation after he was denied tenure. Plaintiff seeks economic and non-economic damages; emotional distress and punitive damages; reinstatement and the granting of tenure or, in the alternative, reinstatement and the granting of the second supervised tenure review ordered by the Faculty Grievance Committee; and costs and attorney's fees.

Nicole Hamilton v University of Michigan Board of Regents. United States District Court, Eastern District of Michigan. (Filed September 25, 2023) (Judge Nancy G. Edmonds)

Plaintiff was a Lecturer at the University of Michigan in the Department of Computer Science and Engineering and filed a three-count retaliation complaint after she failed her major review and was denied a promotion after she complained of gender-based discrimination. Plaintiff seeks economic, noneconomic, and punitive damages together with costs and attorney's fees.

Michael Chapman and Donna Chapman v Michigan Health Corp. d/b/a Michigan Medicine, Inc. and Katelyn Chapman, an individual. Washtenaw County Circuit. (Filed November 13, 2023) (Judge Carol Kuhnke)

Plaintiff Michael Chapman alleged that prior to marrying his son, his daughter-in-law, a current Michigan Medicine employee, inappropriately accessed his medical records. The three-count complaint includes invasion of privacy, intentional infliction of emotional distress and negligence. Plaintiffs seek damages in excess of \$25,000 plus interest, costs and attorney's fees.

Kerri Graham individually and on behalf of all others similarly situated v University of Michigan and The Regents of the University of Michigan. Court of Claims. (Filed November 1, 2023) (Judge Brock A. Swartzle)

Plaintiff brings this class action case against the University due to its alleged failure to secure and safeguard private, confidential, and sensitive medical and personally identifying information. Plaintiff's six-count complaint includes allegations of negligence, breach of fiduciary duty, breach of implied contract, unjust enrichment, alleged violations of the Michigan consumer protection act, and Michigan's data breach notification statute. Plaintiff seeks damages, statutory damages, punitive damages, restitution, and disgorgement; injunctive, and declaratory relief; injunctive relief to prevent the University from experiencing another data breach by adopting and implementing best data security practices to safeguard PH/PHI and to provide or extend credit monitoring services and similar services to protect against all types of identity theft and medical identity theft; together with interest, costs, and attorney's fees. Plaintiff stipulated to dismissal with prejudice after Defendants filed a motion to dismiss.

Ari Givony, individually and on behalf of all others similarly situated v University of Michigan and the Regents of the University of Michigan. United States District Court, Eastern District of Michigan (Filed November 1, 2023) (Judge Bernard A. Friedman)

Plaintiff brings this class action case against the University based on the recent targeted cyberattack and subsequent data breach on Defendant's network. The six-count complaint includes allegations of negligence, invasion of privacy, unjust enrichment, breach of implied and expressed contract, and breach of fiduciary duty. Plaintiff seeks, among other things, equitable and injunctive relief, damages, interest, costs, and attorney's fees.

Suvarchala Devi Chiravuri v University of Michigan, University of Michigan Board of Regents, and George Mashour, University of Michigan Chair of Anesthesiology, and Lori Riegger, Service Chief of Pediatric Anesthesiology, sued in their personal and official capacities. Washtenaw County Circuit Court. (Filed November 19, 2023) (Judge Timothy P. Connors)

Plaintiff is a Clinical Associate Professor of Anesthesiology and filed a six-count complaint after she received notice of non-reappointment of her position. Plaintiff's allegations include alleged violations of due process, breach of contract, race, sex, age and national origin discrimination. Plaintiff seeks compensatory and exemplary damages, together with interest, costs, and attorney fees. Plaintiff also seeks equitable relief, including reappointment to her faculty leadership positions.

Dr. Othelia Pryor v University of Michigan and Kristen Howard. United States District Court, Eastern District of Michigan. (Filed January 23, 2024) (Judge Judith Levy)

Plaintiff was a Senior Project Manager for Michigan Medicine's Office of Health, Equity and Inclusion and filed a seven-count complaint claiming age and disability discrimination after she was notified of a reduction-in-force following a reorganization. Plaintiff seeks damages, costs, interest, and attorney's fees.

Lorie De'nie Brown v Board of Regents of the University of Michigan and Ryan Hachey. Washtenaw County Circuit Court. (Served January 25, 2024) (Judge Julia Owdziej)

Plaintiff was a Cook I for Michigan Dining and filed a two-count complaint alleging interference and retaliation in violation of PWDCRA after she was terminated. Plaintiff seeks compensatory and exemplary damages, lost wages and benefits, together with interest, costs, and attorney's fees.

Brandon Lucas v Regents of the University of Michigan. Court of Claims. (Filed November 9, 2023.) (Judge Brock A. Swartzle)

Plaintiff was a Director in the College of Engineering and filed his second three-count complaint alleging race discrimination, retaliation and a violation of the Whistleblower Protection Act after he was terminated from his position and deemed ineligible for rehire at the College of Engineering. Plaintiff seeks compensatory damages for economic and non-economic loss; prejudgment interest; declaratory relief; exemplary damages; together with costs and attorney's fees. On November 2, 2023, Plaintiff voluntarily dismissed his first complaint that was filed in federal court.

CASE UPDATES

Stacy Deitert v. Board of Regents of the University of Michigan. Washtenaw County Circuit Court. (Judge Carol Kuhnke) (Served June 23, 2017)

Plaintiff was a patient services associate who claimed she was suffering from various medical issues and that her request for an accommodation to file for long-term disability and extended sick leave was wrongly denied. Plaintiff requested an Order awarding her compensatory damages, punitive damages, costs, and attorney's fees. On September 18, 2017, an Order of partial voluntary dismissal with prejudice was entered dismissing the FMLA claim and any claim for punitive damages or equitable relief under the PWDCRA claim. Defendant filed a motion for summary disposition that was granted with prejudice on October 17, 2018. On November 7, 2018, Plaintiff filed a motion for reconsideration that was denied on May 2, 2019. Plaintiff filed an appeal of right on May 23, 2019. On August 26, 2021, the Court of Appeals reversed the granting of summary disposition and remanded the case back to the circuit court for future proceedings. On October 6, 2021, Defendant filed for leave to appeal to the Supreme Court.

The Michigan Supreme court vacated the judgment of the Court of appeals and remanded the case back for reconsideration. On January 18, 2024, the Court of Appeals issued its opinion on remand affirming the trial court decision awarding summary disposition in favor of the University and ordering that the case be dismissed.

Hassan M. Ahmad, Esq. v University of Michigan. Court of Claims. (Judge Stephen Borrello) (Served June 23, 2017)

Plaintiff filed a Complaint claiming the University of Michigan violated the Freedom of Information Act ("FOIA"). On August 16, 2017, Defendant filed a motion to dismiss that was granted. On November 20, 2017, Plaintiff filed an appeal. On June 20, 2019, the Michigan Court of Appeals issued an unpublished opinion in which it held that the requested records are public records. The court remanded the case to the Court of Claims for further proceedings consistent with the court's opinion. On July 31, 2019, the University filed an application for leave to appeal to the Michigan Supreme Court. On March 6, 2020, the Supreme Court granted leave to appeal. On April 9, 2021, after granting leave to appeal, the Michigan Supreme Court affirmed the Court of Appeals' ruling by equal division. The case has been remanded to the Court of Claims for further proceedings. On July 19, 2021, the University filed a motion to dismiss that was denied on September 30, 2021. On October 21, 2021, the University filed an application for leave to appeal from Court of Claims September 30, 2021 ruling. On November 9, 2021, the Court of Appeals denied the application for leave to appeal. On March 11, 2022, Plaintiff filed a motion for partial summary disposition, that was granted and denied in part.

Robert Davis and A Felon's Crusade for Equality, Honesty and Truth v The University of Michigan and the Board of Regents of the University of Michigan. Court of Claims (Filed July 28, 2023) (Judge Elizabeth Gleicher)

Plaintiff filed a one-count complaint alleging violations of the Freedom of Information Act ("FOIA"). Plaintiff seeks costs and attorney's fees. On September 22, 2023, Defendants filed a motion for summary disposition.

Jane Doe v University of Michigan, David Baum, Elizabeth Seney, Margaret Gyteko and Chung Owyang. United States District Court, Eastern District of Michigan. (Judge Robert Cleland) (Filed January 25, 2022)

Plaintiff alleges defendants failed to conduct an investigation of her Title IX report of sexual assault and harassment. Her complaint alleges violations of Title IX and negligence. Plaintiff seeks injunctive relief, compensatory and punitive damages, costs, and attorney's fees. On March 10, 2022, Defendants filed a motion to dismiss. On May 25, 2022, Defendants refiled the motion to dismiss as Plaintiff did not respond to the first motion but instead filed an amended complaint. On March 24, 2023, Defendants' motion to dismiss was denied without prejudice; and the Court ordered the parties to engage in limited discovery as

to Doe's participation in education programs or activities, including the nature and circumstances of Doe's alleged internship at the Taubman Center. On November 9, 2023, Defendants filed a motion to dismiss.

Parag-G. Patil, M.D., Ph. D v The Board of Regents of the University of Michigan, Marie Lozon, M.D., Individually, Karin Muraszko, M.D., Individually, and Stephen Sullivan, M.D., Individually. United States District Court, Eastern District of Michigan. (Filed March 17, 2023) (Judge Mark A. Goldsmith)

Plaintiff, an Associate Professor of Neurology at the University of Michigan, filed a 15-count complaint that alleges, among other things, violations of the American with Disabilities Act; the Michigan Persons with Disabilities Act; the Elliott-Larsen Civil Rights Act; and the Bullard Plawecki Employee Right to Know Act. Plaintiff seeks compensatory, exemplary, and punitive damages, together with costs, interest, and attorney's fees. On November 28, 2023, the parties stipulated to the dismissal of the state court claims.

John Doe, M.D. v. The Board of Regents of the University of Michigan, Michael Mulholland, M.D., Marie Lozon, M.D., and Justin Dimick, M.D., Individually. Washtenaw County Circuit Court (Judge Timothy Connors) (Filed July 14, 2023) AND **Steven R. Buchman, M.D. v. The Board of Regents of the University of Michigan, Michael Mulholland, M.D., Marie Lozon, M.D., and Justin Dimick, M.D., Individually.** Court of Claims (JudgeSima Patel) (Filed September 22, 2023)

Plaintiff filed a five-count complaint after he received notice from Defendants of an intent to suspend his clinical privileges indefinitely and report his suspension to the National Practitioner Data Bank ("NPDB") and the State of Michigan Board of Medicine. Plaintiff alleges breach of contract, breach of fiduciary and public duties, intentional infliction of emotional distress, age discrimination, and retaliation. Plaintiff seeks injunctive and equitable relief and compensatory, exemplary, and punitive damages. He further demands that his clinical privileges be restored, his board certification renewed, and his name renewed with the NPDB. Plaintiff also seeks interest, costs, expert witness, and attorney's fees. Plaintiff filed a similar complaint in the Court of Claims on September 22, 2023. Defendants filed motions for summary disposition in that case that were granted and denied in part on November 21, 2023.

Robert Stephenson v University of Michigan, University of Michigan of Board of Regents, and Laurie McCauley, University of Michigan Provost and Executive Vice President for Academic Affairs, Patricia Hurn, Dean of the University of Michigan School of Nursing, and Robert Ploutz-Snyder, Assistant Dean of Research and Scholarship for the University of Michigan School of Nursing, sued in their personal and official capacities. United States District Court, Eastern District of Michigan. (Filed August 2, 2023) (Judge Mark A. Goldsmith)

Plaintiff is a professor of Nursing at the University's School of Nursing and filed a six-count complaint alleging violations of due process, the Fourteenth Amendment, Title IX and ELCRA. Plaintiff seeks compensatory, exemplary, and punitive damages. Plaintiff also seeks equitable relief together with interest, costs, and attorney's fees. On November 24, 2023, Defendant filed a partial motion for summary disposition.

CASE RESOLUTIONS

Brandon Lucas v Regents of the University of Michigan. United States District Court, Eastern District of Michigan. (Filed August 11, 2023) (Judge Matthew F. Leitman)

Plaintiff was a Director in the College of Engineering and filed a two-count complaint alleging race discrimination and retaliation and a violation of the Whistleblower Protection Act after he was terminated from his position and deemed ineligible for rehire at the College of Engineering. Plaintiff sought a declaratory judgment; equitable relief; and compensatory and exemplary damages, together with interest, costs and attorney's fees. On November 2, 2023, Plaintiff voluntarily dismissed his complaint.

Layla-Fakhr El-Din El-Sawy and Egyptian European Pharmaceutical Industry, an Egyptian corporation v Regents of the University of Michigan, a non-profit educational institution of the State of Michigan, and Mark L. Day. United States District Court, Eastern District of Michigan. (Judge Paul Borman) (Served January 11, 2021)

Plaintiff's eight-count complaint included claims of sex, race, religion and national origin discrimination, among others. Plaintiffs sought direct, consequential, punitive and/or exemplary damages and declaratory relief, together with interest, costs, and attorney's fees. On February 8, 2021, Defendant University of Michigan was dismissed from the case. On April 1, 2021, Defendant Mark Day filed a motion to dismiss. Settlement has been reached between the parties. This case is concluded.

Shamilya Williams v The University of Michigan; U-M Work Connections; Jennifer Barnett; Christine Fergus, agent of Work Connections; Jerri Atkins, Amy Grier, senior HR representative University of Michigan and Mary S. Coleman President of the University of Michigan. United States District Court, Eastern District of Michigan. (Judge Gershwin Drain) (Filed April 6, 2022)

Plaintiff was an Executive Assistant for LSA's Psychology department and alleges she was wrongfully terminated from her employment as a result of her alleged disabilities, race, color, marital status and after taking medical leave. Plaintiff's six-count complaint included alleged violations of the Whistleblowers' Protection Act, the Elliott-Larsen Civil Rights Act, the Americans with Disabilities Act, the Family Medical Leave Act, and claims of race and age discrimination. Plaintiff sought compensatory, exemplary and punitive damages, together with interest costs, and attorney's fees. On May 20, 2022, Defendants filed a partial motion to dismiss that was granted and denied in part on November 8, 2022. Settlement has been reached between the parties. This case is concluded.

John Doe, M.D. v. The Board of Regents of the University of Michigan, Marie Lozon, M.D., and Justin Dimick, M.D., Individually. United States District Court, Eastern District of Michigan (Judge Gershwin Drain) (Filed December 29, 2022)

Plaintiff filed a six-count complaint after he received notice from Defendants of an intent to suspend his clinical privileges indefinitely and report his suspension to the National Practitioner Data Bank ("NPDB") and the State of Michigan Board of Medicine. Plaintiff alleged violations of due process, breach of contract, breach of fiduciary and public duties, intentional infliction of emotional distress, and retaliation. Plaintiff sought injunctive and equitable relief, compensatory, exemplary and punitive damages; and he asked that his clinical privileges be restored, his board certification renewed, and his name renewed with the NPDB. Plaintiff also sought interest, costs, expert witness, and attorney's fees. Defendants filed a motion to dismiss that was granted on June 16, 2022. Plaintiff filed a motion for reconsideration that was denied on November 18, 2022. On December 5, 2022, Plaintiff filed an appeal that was granted on August 8, 2023.

Karen Zarza v University of Michigan. United States District Court, Eastern District of Michigan (Judge Arthur Tarnow) (Served March 20, 2019) AND **Karen Zarza v Board of Regents of the University of Michigan.** Washtenaw County Circuit Court. (Filed September 17, 2019) (Judge David S. Swartz)

Plaintiff had two lawsuits pending concurrently in two different courts, both include allegations of unlawful termination. Plaintiff was a Supervisor for the University of Michigan's Building Services department and alleges she was terminated from her position in retaliation for opposing Defendant's alleged unlawful employment practices towards a former custodian employee. Plaintiff alleged retaliation for exercising rights under PWDORA and the Worker's Disability Compensation Act. Plaintiff sought lost wages and compensatory, liquidated, punitive, and exemplary damages, together with interest, costs, and attorney's fees. Settlement has been reached between the parties. This case is concluded.

Tamara Cook v University of Michigan. Washtenaw County Circuit Court. (Filed March 21, 2023) (Judge Timothy P. Connors)

Plaintiff, a former Patient Services Assistant for Michigan Medicine, filed a three-count complaint alleging violations of the Michigan Persons with Disabilities Act for alleged failure to accommodate, disability discrimination, and retaliation. Plaintiff sought compensatory, pecuniary, exemplary and/or punitive damages; lost wages and the value of fringe benefits; and interest, costs, and attorney's fees. On July 3, 2023, the case was closed for lack of progress. On August 23, 2023, Plaintiff filed a motion to set aside the dismissal and

reinstate the case that was granted on October 12, 2023. On October 26, 2023, Defendant filed a motion for summary disposition that was granted on January 18, 2024.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Timothy G. Lynch", with a long horizontal flourish extending to the right.

Timothy G. Lynch
Vice President and General Counsel

February 2024