

THE UNIVERSITY OF MICHIGAN  
REGENTS COMMUNICATION  
ITEM FOR INFORMATION

Received by the Regents  
April 21, 2011

Subject: Litigation

April 2011

**NEW CASES**

Donald E. Pines v Board of Regents of the University of Michigan. United States District Court, Eastern District of Michigan. (Judge Avern Cohn) (Served March 18, 2011).

Mr. Pines worked as a billing clerk at the University Hospital. He alleges that, after he complained to management that he was being sexually harassed by a co-worker, he was harassed, disciplined, placed on an unpaid medical leave, terminated and denied subsequent positions for which he applied. Plaintiff alleges that his employer perceived that he has a disability in violation of the Americans with Disabilities Act and the Michigan Persons with Disabilities Civil Rights Act. Plaintiff also claims that he was retaliated against because of his complaints of sexual harassment in violation of the Michigan Elliott-Larsen Civil Rights Act. He seeks judgment in excess of \$75,000 plus interest, damages, costs and attorneys' fees.

Gordon Doody v Regents of the University of Michigan. Washtenaw County Circuit Court. (Judge Archie C. Brown) (Filed March 18, 2011).

Plaintiff was employed as a pilot by Delta Airlines and was on a medical disability which prevented him from obtaining a medical certificate to allow him to pilot inter alia commercial aircraft until he underwent medical testing and provided the results to the Federal Aviation Administration. Such tests were performed at the University of Michigan Hospital. Plaintiff claims that the UM Hospital did not send the testing results to the FAA in a timely manner and that such delay resulted in a loss of compensation and reimbursements of approximately \$80,000. Plaintiff's counts include breach of contract and negligence. He seeks \$80,000 plus interest, costs and attorney fees.

QBE Insurance Corporation v Blue Cross and Blue Shield of Michigan, Michigan Catastrophic Claims Association, and Regents of the University of Michigan. Wayne County Circuit Court. (Judge Daphne Means Curtis) (Filed March 23, 2011).

Plaintiff claims that an individual that was covered under a no-fault policy issued by QBE was involved in an auto/pedestrian accident. QBE claims that the University of Michigan hospital, where the insured was treated, received double-payment from both QBE and Blue Cross/Blue Shield for services provided to the insured and that QBE, as the excess insurer, should be reimbursed for the medical expenses it paid to UM on behalf of the insured.

Milton Straham Jr. v Scott Arnst, Kenneth Heiser, and University of Michigan. Genesee County Circuit Court. (Judge Richard B. Yuille) (Served March 30, 2011).

Plaintiff was employed as a computer desktop support person in the Information Technology Services Department on the Flint Campus. He claims that he was discriminated against on the basis of his race and age, and discharged from his position. He claims this was in violation of the Elliott Larsen Civil Rights Act. He seeks damages in excess of \$25,000, interest, costs and attorney fees.

## RESOLUTIONS

Zoreh Panahi-King v University of Michigan. Washtenaw County Circuit Court. (Judge Archie C. Brown) (Filed March 3, 2009).

Plaintiff claims that she was terminated from her employment at the University because of her ethnicity/national origin and in retaliation for having complained of discrimination, in violation of the Elliott Larsen Civil Rights Act. She seeks judgment in excess of \$25,000, interest, costs and fees. Settlement was reached between the parties and the case is concluded.

Charles E. Olson, Jr. v University of Michigan Board of Regents, David Allan, and Nahariya M. Wright. Michigan Court of Claims. (Jude Rosemarie Aquilina) (Served May 24, 2010).

Charles Olson, an emeritus professor from the School of Natural Resources and Environment, was allowed use of office space at the Peach Mountain Observatory at Stinchfield Woods. Olson alleges that SNRE personnel, while cleaning up debris at the Observatory, disposed of his personal office furniture, aged equipment and research materials that had been located outside of his office on various floors of the Observatory. He has filed suit in the Court of Claims against the Regents for breach of contract and sued Dr. David Allan (Acting Dean) and Nahariya Wright (Facilities Coordinator for SNRE) for gross negligence in having his claimed property disposed of. He seeks damages in excess of \$400,000. Settlement was reached at mediation and the case is resolved.

Keith Yohn v Board of Regents of the University of Michigan, Peter Polverini, Paul Krebsbach and Mark Snyder. Michigan Court of Claims. (Judge Thomas L. Brown) (Filed October 7, 2008).

Professor Yohn's complaint alleges that Paul Krebsbach, Chair of the Biomedical and Materials Science Department in the School of Dentistry, is keeping a secret file on Dr. Yohn to force Plaintiff out of his tenured University appointment. He also alleges that Defendant Snyder committed misconduct by working on his intramural dental patients during work hours, causing Plaintiff to suffer anger and loss of sleep; Plaintiff complained to Dean Polverini and later filed a grievance of Snyder's misconduct. Dr. Yohn also complained that Dr. Krebsbach embarrassed him in front of his fellow faculty members at a faculty meeting, and that later an officer from DPS was sent to his home to ask him about some alleged threats made by Plaintiff at that meeting. Dr. Yohn seeks an order to


expunge all evidence of the DPS incident report noted above, jail time for defendants Polverini and Krebsbach, \$3 million for mental anguish and suffering, and exemplary damages. The University's motion for summary disposition was granted by the court on June 24, 2009, thereby dismissing all of Plaintiff's claims with prejudice. Plaintiff contested the proposed order, and a hearing was held on September 2, 2009. The judge granted the University's motion to dismiss the entire case, denied Plaintiff's motion opposing the order of dismissal, denied with prejudice Plaintiff's motion to amend his complaint, and awarded the defendants \$36,000 in costs and fees. Plaintiff filed an appeal with the Michigan Court of Appeals. In addition, Plaintiff filed a motion for an immediate preliminary injunction, asking the Court of Appeals to prohibit defendant Snyder from performing certain of his duties. The Court of Appeals denied the motion for immediate preliminary injunction. Plaintiff filed an Application for Leave to Appeal Prior to Decision by Court of Appeals with the Michigan Supreme Court. On October 26, 2010, the Michigan Supreme Court denied plaintiff's application for leave to appeal. Plaintiff filed a motion in the Court of Appeals for peremptory reversal, which was denied by the court on February 16, 2011. On March 22, 2011, the Court of Appeals ruled unanimously in favor of the University and upheld the lower court's dismissal of Dr. Yohn's lawsuit.

#### CASE UPDATES

LaJuana Crawford v Michael Rosano and Regents of the University of Michigan. Washtenaw County Circuit Court. (Served January 4, 2011); LaJuana Crawford v Regents of the University of Michigan. (Michigan Court of Claims. (Judge Paula J.M. Manderfield) (Filed March 9, 2011).

Plaintiff was a passenger on a University of Michigan bus, which was struck by a car driven by Michael Rosano. Plaintiff claims that Rosano was negligent in his operation of the vehicle and that Crawford's injuries are a result of the accident. Crawford also alleges that the University, as the owner of the bus, has not paid all of the Personal Protection Benefits to which Plaintiff is entitled. Plaintiff seeks payment of the benefits, interest, costs and attorney fees. Plaintiff filed a related case in the Michigan Court of Claims. She alleges that the University refuses to pay her Personal Protection Benefits relating to the injuries she sustained in the accident, which Crawford claims are due to her. Plaintiff's claims include payment of medical and transportation bills, lost wages, attendant care and household services in excess of \$25,000 along with interest, costs and attorney fees.

Respectfully submitted,

  
\_\_\_\_\_  
Suellen Scarnecchia  
Vice President and General Counsel