

THE UNIVERSITY OF MICHIGAN  
REGENTS COMMUNICATION  
ITEM FOR INFORMATION

Subject: Litigation

April 2016

NEW CASES

Christina M. Morton, M.D. v University of Michigan Extended Long-Term Disability Plan. Oakland County Circuit Court (Judge Phyllis C. McMillen) (Served March 9, 2016)

Plaintiff, Dr. Christina Morton, brings a breach of contract claim against the University out of an alleged denial of her Long Term Disability benefits. Plaintiff seeks in excess of \$25,000, an order requiring Defendant to pay her LTD benefits under the Plan, along with interest, costs, and attorney's fees.

Karen J. Claiborne v The Regents of the University of Michigan-Dearborn, Janine Janosky in her official capacity, Laura Reynolds in her official capacity, Susan Everett in her official capacity, Becky Dressel-House-Nauss in her official capacity, and Elizabeth Morden in her official capacity, jointly and severally. United States District Court, Eastern District of Michigan (Judge Mark A. Goldsmith) (Served March 22, 2016).

Plaintiff is an Administrative Specialist in the College of Education, Health and Human Services (CEHHS) at the University of Michigan-Dearborn. Plaintiff alleges she has applied for and was denied several promotions within the University and claims this is due to her race. Plaintiff further alleges she has been retaliated against for complaining of this alleged discrimination. Plaintiff seeks past and future lost wages, compensatory damages, punitive and exemplary damages, interest, costs, and attorney's fees.

Jennifer Peters v University of Michigan Health System. United States District Court, Eastern District of Michigan (Judge Nancy G. Edmonds) (Served March 10, 2016)

Plaintiff was an MRI Technologist for the Radiology Department at the University's East Ann Arbor location. Plaintiff claims she was denied Family Medical Leave Act (FMLA) time and subsequently discharged due to a performance error that she denies. Plaintiff claims a violation of the FMLA and Michigan's Persons with Disabilities Civil Rights Act. Plaintiff alleges she has suffered significant economic damages, lost wages and benefits, emotional distress, anguish, and pain and suffering. Plaintiff seeks back pay, punitive damages, equitable relief such as reinstatement and/or back-pay and front-pay in lieu of reinstatement, interest, costs, and attorney's fees.

Elizabeth Evans v University of Michigan Hospital. United States District Court, Eastern District of Michigan (Judge Gershwin A. Drain) (Served April 5, 2016)

Plaintiff was an Instrument Processor I for the University's Operating Rooms department. She alleges that she was injured at work after she slipped and fell over a linen bag. Plaintiff claims that, after her treating physician took her off work due to her alleged injury, the University terminated her from her position. Plaintiff alleges various claims of race, age, gender, and disability discrimination. Plaintiff seeks an amount in excess of \$25,000, together with interest, costs, and attorney's fees, as well as injunctive relief.

CASE UPDATES

Ruth Foti v The Board of Regents of the University of Michigan d/b/a University of Michigan Health System. Court of Claims (Judge Mark Boonstra) (Served February 17, 2016)

Plaintiff alleges that Defendant failed to properly inspect, repair, and otherwise maintain automatic door equipment at the Kellogg Eye Center building in a safe manner, causing her to fall to the ground and sustain severe injuries as she was attempting to enter the building. Plaintiff's claims include negligence, premises liability, and nuisance, and she seeks an amount in excess of \$25,000, together with costs, interest, and

attorney's fees. Defendants filed a motion for partial summary disposition that was granted by Judge Boonstra on March 28, 2016. The Court dismissed all counts except the count relating to an alleged building defect.

## CASE RESOLUTIONS

Alfonso Ignacio Viggers v Board of Regents of the University of Michigan, and Doe Defendants. United States District Court, Eastern District of Michigan (Judge Avern Cohn) (Served January 29, 2016)

Plaintiff alleged that he was an employee of Alpac, Inc. and was assigned to perform work at the University Plant Operations IT Department between approximately 2007 and 2015. In 2014, the University posted an opening for a full-time University employee to perform Plaintiff's job duties. Plaintiff was offered the position contingent on obtaining a visa and a successful background check. Plaintiff alleged that the University improperly reprimanded him, delayed processing his visa, and ultimately withdrew the job offer due to Plaintiff's exercise of his free speech rights, and based upon defamatory statements from his stepmother and current employer. Plaintiff alleged violations of the First Amendment, due process, breach of contract, the Fair Credit Reporting Act, contempt of court, conspiracy, tortious furtherance of malicious intent, and sabotage of Plaintiff's immigration process. On February 19, 2016, Defendants filed a motion to dismiss that was granted on March 29, 2016.

Yvonne Beach, a Protected Person, by and through her duly appointed Guardian, Brad Beach, and Andersen Beach, a minor, by his Next Friend, Brad Beach v Board of Regents of the University of Michigan. Michigan Court of Claims (Judge Clinton Canady III) (Served November, 9, 2012); AND Yvonne Beach, a Protected Person, by and through her duly appointed Guardian, Brad Beach, and Andersen Beach, a minor and his Next Friend Brad Beach v Jade Sanders and Richard Secosky. Washtenaw County Circuit Court (Judge Donald Shelton) (Filed October 31, 2012); AND Richard Secosky v Board of Regents of the University of Michigan. Michigan Court of Claims (Judge Clinton Canady III) (Filed March 22, 2013); AND Richard C. Secosky v Jade Alexis Sanders. Washtenaw County Circuit Court (Judge Donald Shelton) (Filed March 26, 2013).

Plaintiff, Yvonne Beach, alleged she was a passenger on a motorcycle when a collision occurred between the motorcycle and a University-owned vehicle operated by a University student intern. Plaintiff claimed the vehicle was negligently operated and that she sustained serious impairment of a bodily function and permanent or serious disfigurement as a result of the collision. As a result, Plaintiff claimed she would incur economic losses in excess of three years. Plaintiff, Andersen Beach, a minor, claimed loss of services by his mother, Yvonne Beach. Plaintiffs sought damages, with interest, costs, and attorney's fees. The motorcycle driver, Richard Secosky, filed companion cases against the University in the Michigan Court of Claims, and against Jade Alexis Sanders (the student driver) in Washtenaw County Circuit Court. An order was issued on April 3, 2013 by the Court of Claims transferring the case against the University to Washtenaw County Circuit Court, and joining it with the pending cases involving the same accident. In *Secosky v Sanders*, on May 22, 2013, Defendant Sanders' motion for summary disposition, based on governmental immunity, was denied. On May 29, 2013, an appeal as of right was filed. In *Beach v. Sanders and Secosky*, on May 22, 2013, Sanders' motion for summary disposition, based on governmental immunity, was denied. An appeal as of right was filed by Sanders on June 5, 2013. In *Secosky v. Regents*, on June 5, 2013, Judge Shelton denied the Regents' motion for summary disposition. The Motion was based upon a claim of defects in the required Notice of the claim. In summary, of the four related cases coming out of the motorcycle/UM van accident, three were on appeal after Judge Shelton denied dispositive motions. On August 14, 2013, Judge Shelton granted Defendant's motion for summary disposition of Andersen Beach's claim. In *Beach v Sanders and Secosky v Sanders*, the Court of Appeals ruled that driving the van was not within the course of duties, upheld the trial court's denial of summary disposition, and remanded the case for further proceedings. In *Secosky v Regents*, the Court of Appeals ruled that the statutorily required Notice filed by Secosky was defective; it reversed the trial court's denial of summary disposition. Settlement was reached between Yvonne Beach v Regents, and Anderson Beach v Sanders. Trial was held in *Secosky v Sanders* on February 22, 2016. Settlement was reached between the parties. This case is concluded.

Respectfully submitted,



Timothy G. Lynch  
Vice President & General Counsel

April 2016