

THE UNIVERSITY OF MICHIGAN  
REGENTS COMMUNICATION  
ITEM FOR INFORMATION

Received by the Regents  
June 21, 2007

Subject: Litigation

June 2007

I. NEW CASES

1. Robert Wozniak d/b/a UPS Store v University of Michigan-Michigan Student Union, James Waite, Robert Yecke, Audrey Schwimmer, and John Taylor. Washtenaw County Circuit Court. (Judge Melinda Morris) (Served May 22, 2007).

Plaintiff operated the UPS franchise store in the Michigan Union. His lease was due to expire in April 2007 and he submitted a proposal to extend the lease beyond its expiration date. When he was denied the extension, Plaintiff sold the franchise to a third party. The third party's proposal to lease the premises to operate a UPS franchise store was also denied. Plaintiff claims that the University's refusal to lease the premises to him has caused damages in excess of \$25,000. He seeks damages, attorney's fees and costs.

2. Afzal Hossain, Ph.D. v University of Michigan-Dearborn, Malayappan Shridhar, and Subrata Sengupta. Wayne County Circuit Court. (Judge Warfield Moore) (Served May 23, 2007).

Plaintiff was an assistant professor of Electrical and Computer Engineering at the Dearborn campus. He claims that, during his employment at the University, he was discriminated against and denied tenure based upon his religion (Muslim), national origin (Bangladesh), and age. Plaintiff's allegations include violation of the Elliott-Larsen Civil Rights Act, intentional infliction of emotional distress, and hostile work environment. He seeks damages in excess of \$25,000, costs, interest and attorney's fees.

3. David Andrew Nassar v Sgt. Pasquale Alessi. Macomb County Circuit Court. (Judge Peter J. Maceroni) (Filed May 29, 2007).

Mr. Nassar alleges that he was falsely accused of stealing books from the Graduate Library, that his home was searched and that he was handcuffed and arrested at his place of employment. Plaintiff claims that Sgt. Alessi (UM Department of Public Safety) used excessive and unreasonable force and violence. His allegations include gross negligence, false arrest and false imprisonment, assault and battery, and intentional infliction of emotional distress. He seeks damages in excess of \$25,000, costs, interest and attorney's fees.

## II. RESOLUTIONS

4. Theresa Logan v Unibar Maintenance Services and University of Michigan. Wayne County Circuit Court. (Judge Warfield Moore) (Filed October 18, 2006).

Plaintiff claims that, in October 2005, she received a chemical burn after sitting on a recently cleaned toilet seat on the UM-Dearborn campus. The cleaning contractor is Unibar Maintenance Services. The plaintiff claims that allowing the chemicals to remain on the toilet seat created a hazardous and dangerous condition and that both Unibar and the University were negligent in failing to correct, inspect or warn others about it. Plaintiff alleges that she has suffered severe bodily injuries and seeks damages. The University filed a motion for summary disposition. Plaintiff voluntarily withdrew the claims against the University and the case is dismissed with prejudice.

5. Kevin Graves v University of Michigan and Robert Thompson. Washtenaw County Circuit Court. (Hon. David S. Swartz) (Filed April 6, 2006).

Plaintiff claims that, during his employment as a research associate with the University, he was treated differently from his female co-workers, was harassed and retaliated against after he had voiced his concerns about discriminatory treatment. He seeks damages in excess of \$25,000, costs, interest and attorney's fees. The University filed a motion for summary disposition and this case has been dismissed.

6. Anita Stubbs v University of Michigan. Oakland County Circuit Court. (Judge John J. McDonald) (Filed March 29, 2007).

Plaintiff is a former employee of the University. She claims that she is not receiving benefits that are due her, including long-term disability and retirement benefits. Plaintiff seeks damages in excess of \$25,000, implementation of benefit plans, costs, interest and attorney's fees. The University filed a motion for summary disposition which was granted and the case is dismissed in its entirety.

7. James McGovern v University of Michigan. Michigan Court of Claims. (Judge Joyce Draganchuk) (Filed August 21, 2006).

Plaintiff claims that he has been mis-classified as a non-resident for tuition purposes and that he was not afforded the opportunity to provide information to prove his resident status. He seeks classification as a resident for tuition purposes. The University filed a motion for summary disposition, which was granted by the court and the case is dismissed.

### III. CASE UPDATES

8. Michigan Federation of Teachers & School Related Personnel v University of Michigan.  
Washtenaw County Circuit Court. (Judge Timothy Connors) (Filed March 19, 2004).

This is an action for disclosure of records under the Michigan Freedom of Information Act. Plaintiff sent a FOIA request to the University seeking the names, addresses, phone numbers and employment information of all University employees. The University provided the information with the exception of those employees who have a "do not publish" request on file. Plaintiff seeks access to those records. The parties filed cross-motions for summary disposition. The University's motion was granted and plaintiff's motion was denied by Judge Connors. The judge ruled that the home phone numbers and addresses of employees who refused to give permission to the University to publish them are private and the University was correct in refusing to disclose them. Plaintiff filed an appeal with the Michigan Court of Appeals. Oral argument was heard on April 11, 2006. The Court of Appeals issued its opinion, reversing the decision of the trial court. The University filed an application for leave to appeal to the Michigan Supreme Court.

Respectfully submitted,



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Vice President and General Counsel

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