

THE UNIVERSITY OF MICHIGAN
REGENTS COMMUNICATION
ITEM FOR INFORMATION

Received by the Regents
June 19, 2008

Subject: Litigation

June 2008

NEW CASES

1. Christie L. Sullivan v Regents of the University of Michigan and Frank Rubino. United States District Court, Eastern District of Michigan. (Judge Sean F. Cox) (Filed May 22, 2008).

Plaintiff claims that she was driving her car in Ann Arbor when she was stopped by DPS officer Rubino for having expired license tags. When Officer Rubino subsequently learned that Plaintiff's driver's license was suspended and that there were traffic warrants issued for her arrest, he placed Plaintiff under arrest. Plaintiff claims that Officer Rubino struck her from behind on her neck and head, knocked her to the ground, hit and kicked and fondled her. Plaintiff alleges that her civil rights were violated and that the assault caused extreme pain, humiliation, and fear, among other claims. Plaintiff also claims that Officer Rubino falsely reported that she assaulted him and that those charges were brought against her with malice. She seeks damages in excess of \$75,000.

2. Robert McGee v Regents of the University of Michigan. Washtenaw County Circuit Court. (Judge Archie C. Brown) (Filed May 16, 2008).

Plaintiff was a graduate student in Nuclear Engineering and Radiological Sciences, with a 25% appointment as a Graduate Student Research Assistant to work in a laboratory in the area of neutron radiography. Plaintiff claims that he observed a number of practices in the lab that did not meet OSEH standards and reported them to the University's Radiation Safety Services office, to OSEH and to the Michigan Department of Environmental Quality. Plaintiff claims that his subsequent termination was retaliation against him for reporting suspected violations of laws. He seeks compensation for his losses, interest, costs and attorneys fees.

3. Bruce Sepanak, Todd Coles and Timothy Idalski v University of Michigan-Flint and Chalmers Sanders. Genesee County Circuit Court. (Judge Geoffrey L. Neithercut) (Served May 14, 2008).

The three plaintiffs are employed as public safety officers on the Flint Campus. They claim that they have been discriminated against in their employment because of their race (Caucasian). They seek damages in excess of \$100,000, interest, costs and attorney fees.

4. Irene Coleman v Livonia Center for Specialty Care and John Doe. Wayne County Circuit Court. (Judge Susan D. Borman) (Filed May 21, 2008).

Ms. Coleman claims that she went to the University's Livonia Center for a colonoscopy. She alleges that the anesthesiologist administered medication into her IV and then touched her inappropriately.

Her allegations include negligent hiring on the part of the University, assault and battery, and intentional infliction of emotional distress. She seeks damages, interest, costs and attorney fees.

RESOLUTIONS

5. Catherine Wilkerson v University of Michigan. Washtenaw County Circuit Court. (Judge Timothy Connors) (Filed December 19, 2003).

Plaintiff was employed as a physician at the University and worked as an emergency room physician in the emergency care unit at Hurley Hospital. She claims that, after she had raised concerns about women's health issues at the hospital and assisted another female staff member with her claim of sexual harassment, she was retaliated against by her supervisor. Plaintiff alleges that her job was ultimately eliminated in retaliation for complaining about gender discrimination and that alleged promises of another job were not forthcoming. She seeks damages, attorney fees, costs and interest. The University filed a motion for summary disposition, which was denied by the court. The University filed an application for leave to appeal that decision to the Michigan Court of Appeals; on February 3, 2006, the Court of Appeals granted our motion. Oral argument was held on July 11, 2006. On July 25, 2006, the Court of Appeals issued its opinion, reversing the trial court's opinion in part, affirming in part, and remanding for further proceedings. Essentially, the court ruled that plaintiff's claims of discriminatory/retaliatory termination based on the elimination of her position are time-barred. In addition, plaintiff failed to establish a question of fact that she was denied other employment opportunities at the University in retaliation of her complaints of discrimination, with the exception of an opportunity to work certain shifts in the MWorks area. Therefore, according to the court's ruling, the only claim remaining in this case is that allegation relating to the MWorks shifts and that has been remanded for further proceedings. Plaintiff filed a motion for reconsideration by the Court of Appeals, which was denied by the court on September 8, 2006. Plaintiff's subsequent appeal to the Michigan Supreme Court was also denied. A trial date of June 2, 2008 was set by the court. Settlement was reached between the parties and the case is dismissed.

CASE UPDATES

6. David Shand v William C. Martin. United States District Court, Eastern District of Michigan. (Judge Julian Abele Cook, Jr.) (Served July 25, 2007).

Plaintiff was a radio host on local station WTKA until he was fired in April 2007. Plaintiff claims that his job was to host and produce a radio show which featured sports talk and that he was encouraged by his management to be humorous, opinionated, provocative and controversial. He alleges that Athletics Director Martin refused to allow the radio station to participate in a golfing event or to carry UM football games unless Plaintiff was fired from the station. Plaintiff's allegations include intentional

interference with a business relationship and violations of Plaintiff's First Amendment rights. He seeks damages in excess of \$75,000, costs and attorney's fees. The University filed a motion for summary judgment which was denied by the judge.

Respectfully submitted,


Suelyn Scarnecchia
Vice President and General Counsel

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