

THE UNIVERSITY OF MICHIGAN
REGENTS COMMUNICATION
ITEM FOR INFORMATION

Received by the Regents
June 17, 2010

Subject: Litigation

June 2010

NEW CASES

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.

Nicole R. Scott v Dr. David Lilley and the University of Michigan. Wayne County Circuit Court. (Judge Robert J. Colombo, Jr.) (Served May 17, 2010).

Plaintiff is a student at UM-Dearborn. She claims that she had filed complaints in the Dean's Office in the College of Arts, Sciences and Letters about a grade she had received on a paper from Professor Lilley. Ms. Scott alleges that, after her complaints were filed, Professor Lilley ran a criminal background check and credit report on her and communicated that personal information via email to other faculty and staff at the University. Plaintiff claims that, as a result, her reputation at UM-Dearborn has been ruined. Her allegations include defamation and intentional infliction of emotional distress; she seeks damages, costs and interest.

RESOLUTIONS

Carlos Prieskorn v University of Michigan Health System, Bernard Hoeyack, Jr., Diane Rembert, Reshunda Triplet and Madia Bryant-Johnson. Washtenaw County Circuit Court. (Judge Archie G. Brown) (Served December 22, 2008).

Plaintiff is a former employee of the Department of Pathology in the Health System. He claims that he complained to his supervisor about safety violations that he alleged were occurring in his department and that, following his complaints, he was harassed and threatened by co-workers Rembert, Triplet and Bryant-Johnson. Plaintiff also alleges that his supervisor Hoeyack terminated his employment in violation of the Michigan Whistleblowers' Protection Act. Plaintiff seeks damages, lost wages, interest, costs and attorney's fees as well as reinstatement to his previous

position. Defendants filed a motion for summary disposition, which was granted by Judge Brown on May 14, 2010. This case is dismissed.

Tammy Strachan v University of Michigan. United States District Court, Eastern District of Michigan. (Judge David M. Lawson) (Filed April 24, 2009).


Plaintiff was employed by the University as a phlebotomist until her discharge on February 18, 2008. She claims that she was discharged in violation of the Family Medical Leave Act when she was terminated shortly after her return from FMLA leave. She also claims that the University discriminated against her in violation of the Americans with Disabilities Act. She seeks damages, lost wages and benefits, costs, interest and attorney fees, as well as reinstatement to her former position. Settlement was reached between the parties and the case is dismissed.

CASE UPDATES

Alex A. Lemerand v Kevin Sheldon Hartman. Washtenaw County Circuit Court. (Judge Timothy Connors) (Filed May 29, 2009); Alex Lemerand v Regents of the University of Michigan. Michigan Court of Claims. (Filed June 1, 2009).

Plaintiff claims that on June 19, 2006, he was driving in Ann Arbor when his vehicle was struck from the rear by a University of Michigan vehicle driven by UM employee Kevin Hartman. Mr. Lemerand alleges that Mr. Hartman was negligent by driving at an excessive rate of speed, was unable to stop, and failed to drive with due care and caution, among other violations of the Motor Vehicle Code of the State of Michigan. Plaintiff claims that, as a result of the accident, he has suffered serious and permanent injuries and disfigurements. He seeks damages, costs, attorney's fees and interest. Plaintiff filed a companion case in the Michigan Court of Claims against the University of Michigan, which was consolidated with the Washtenaw County case pending before Judge Connors. On May 27, 2010, Judge Connors granted the University's motion for summary disposition based upon plaintiff's failure to comply with the notice requirement of the Court of Claims. Still pending is the motion for summary disposition for the individual defendant Kevin Hartman.

Respectfully submitted,


Suellen Scarnecchia
Vice President and General Counsel