

THE UNIVERSITY OF MICHIGAN
REGENTS COMMUNICATION
ITEM FOR INFORMATION

EXH	MOTION
	SECOND
	ACTION APPROVED BY THE REGEN
NOTE:	JUL 21 2005
<i>Consent agenda</i>	
July 2005	

Subject: Litigation

I. NEW CASES

1. Letitia Minfield, Personal Representative of the Estate of Melvin C. Evans, Sr., Deceased v A.J. Baxter & Company, University of Michigan, et al. Wayne County Circuit Court. (Judge Robert J. Colombo, Jr.) (Served June 13, 2005).

Plaintiff claims that the decedent Melvin C. Evans, Sr. was exposed to toxic levels of environmental pollutants, including asbestos fibers, while in the course of his employment with various contractors and that those contractors were working on projects over which the University of Michigan and Eastern Michigan University had supervision and control. The complaint states that the universities were negligent and that, as a result of that negligence, the decedent suffered harmful exposure to asbestos fibers, resulting ultimately in his death. Mr. Evans' heirs allege deprivation of his aid, comfort, companionship, guidance and support. Plaintiff seeks damages in excess of \$25,000, costs, interest and attorney's fees.

2. Jenny Rubin, et al. v The Islamic Republic of Iran, et al. v Board of Regents of the University of Michigan, et al. United States District Court, Eastern District of Michigan, Southern Division. (Judge Victoria A. Roberts) (Served June 17, 2005).

Plaintiffs seek to recover a judgment entered pursuant to the Foreign Sovereign Immunities Act for compensatory and punitive damages for their personal injuries caused by a triple suicide terrorist bombing in Jerusalem, Israel. In a federal court in Washington, DC, plaintiffs were awarded compensatory damages against the Islamic Republic of Iran in the amount of \$71,500,000, the majority of which remains unpaid. The plaintiffs believe that certain antiquities that are the property of Iran currently reside in the University's Museum of Art and the Kelsey Museum of Archaeology. Plaintiffs filed a motion in this court for order of attachment by trustee process, whereby the University will be ordered to retain those antiquities until the U.S. courts can rule on their disposition.

3. Abigail K. Spreyer as Trustee of the Richard G. Westerman Trust v Jean Westerman Gregg, et al. Sarasota County (Florida) Circuit Court. (Served June 21, 2005).

This is an action for reformation of a trust that was filed in Florida in which the University is a beneficiary. The plaintiff is the Trustee of the trust. She claims that the trust contains a clause that inaccurately reflects the Settlor's intentions, which resulted from a drafting mistake and scrivener's error. Plaintiff requests that the court reform the trust to adjust the percentages of distribution of a portion of the trust.

4. Marva Jean Hudson v University of Michigan, et al. United States Court of Appeals for the Sixth Circuit. (Received June 27, 2005).

Plaintiff had filed a complaint in the United States District Court, Eastern District of Michigan in December 2004, alleging that the University of Michigan-Flint Campus discriminated against her because of her race when it refused to grant her a Master's Degree in Education. The University was never served and the Court (Judge Avern Cohn), on its own, dismissed the complaint as frivolous. Plaintiff filed a motion for reconsideration, which was also denied. Plaintiff is now appealing that dismissal to the U.S. Court of Appeals.

II. RESOLUTIONS

5. Koralija v University of Michigan. Washtenaw County Circuit Court. (Judge Timothy P. Connors) (Filed December 8, 2004).

Ms. Koralija was employed in Parking Operations at the University when she was involved in an automobile accident, resulting in her being unable to work. An independent medical examination returned Plaintiff to work, contrary to the findings of her personal physician. Plaintiff claims that, when she did return to work, she was injured on the job, an injury that exacerbated her preexisting condition. Plaintiff claims she is now disabled and was wrongfully discharged in violation of the Michigan Persons with Disabilities Civil Rights Act. Plaintiff claims loss of back and future pay, mental anguish, and humiliation. She seeks damages in excess of \$25,000, costs and attorney's fees. Settlement was reached between the parties and the case is concluded.

6. Jean Dillon-Barber v Regents of the University of Michigan, Susan Sheppard and Linda Boyle Creps. Washtenaw County Circuit Court. (Judge Melinda Morris) (Served February 11, 2000).

Plaintiff claims that she was discriminated against because of her disability, retaliated against and wrongfully discharged. She previously filed these claims against the University in federal court (Jean Dillon-Barber v Regents of the University of Michigan, Susan Sheppard and Linda Creps. U.S. District Court, Eastern District of Michigan). Ms. Dillon-Barber seeks injunctive relief, reinstatement, damages, attorney's fees, expenses, costs and interest. Judge Morris administratively stayed this case until the Sixth Circuit Court of Appeals issued its opinion on Plaintiff's federal case which had been dismissed by Judge Rosen. The Sixth Circuit Court of Appeals affirmed the trial court's dismissal of the federal case. The University then filed a motion for summary disposition, seeking dismissal of the state court case based on the doctrine of *collateral estoppel*; that motion was denied by Judge Morris. The University filed a claim of appeal to the Michigan Court of Appeals; that Court reversed Judge Morris, stating that summary disposition should have been granted.

7. Curtis J. Granderson v University of Michigan. U.S. District Court, Eastern District of Michigan. (Judge Lawrence Zatkoff) (Served June 15, 2004).

Plaintiff is a former University employee in the AFSCME bargaining unit. His complaint alleges that he was treated differently than white employees, harassed, disciplined, and eventually discharged for alleged misconduct. He claims race and disability discrimination, and seeks damages, interest, costs, and attorney's fees. The University filed a motion to dismiss, which was granted by the court on June 20, 2005.

III. CASE UPDATES

8. Robert Pavlic v University of Michigan and Mariana Kaplan, MD. United States District Court, Eastern District of Michigan. (Judge Victoria A. Roberts) (Filed April 15, 2004).

Plaintiff was a research assistant in the Department of Internal Medicine until his discharge in October 2003. He claims that he reported misappropriation of grand funds and other irregularities by the laboratory director, Dr. Kaplan, and that he was suspended and ultimately discharged by Dr. Kaplan as a result. His allegations include violations of his freedom of speech and of the Whistleblower's Protection Act. He seeks reinstatement, back pay, damages, costs and legal fees. The University filed a motion for summary judgment, which was granted on May 2, 2005. Plaintiff filed an appeal to the Sixth Circuit Court of Appeals.

9. Darrell Sanderford v University of Michigan. Washtenaw County Circuit Court. (Judge Timothy Connors) (Served July 19, 2004).


Plaintiff is a current employee at the Hospital. He claims that he is handicapped within the meaning of the Handicappers' Civil Rights Act and that he has been denied promotions because of that handicap. He claims that he has suffered damages, including wage losses, emotional pain and suffering. The University filed a motion for summary disposition, which was denied.

10. Thomas Komorowski v Martin Philbert, Patrice Somerville and Board of Regents of the University of Michigan. Washtenaw County Circuit Court. (Judge Donald E. Shelton) (Filed March 19, 2004).

Plaintiff was employed as a Senior Research Associate in a University laboratory supervised by defendant Philbert, until plaintiff's lay-off on December 23, 2003. Plaintiff claims that he had complained of suspected violations of state and federal law by defendants Philbert and Somerville, relating to their management of grant funds and that, shortly thereafter, he was informed that he would be laid off because of funding. His allegations include a violation of the Whistleblowers' Protection Act, age discrimination, retaliation and conspiracy. He seeks lost wages, damages,

reinstatement, attorney's fees, costs and interest. The University filed a motion for partial summary disposition, which was granted in part by Judge Shelton. The only claims that remain in the case are breach of contract, fraud and misrepresentation. Judge Shelton also denied Plaintiff's motion for partial summary disposition on the breach of contract claim.

Respectfully submitted,



Marvin Krislov
Vice President and General Counsel

July 2005