

THE UNIVERSITY OF MICHIGAN
REGENTS COMMUNICATION
ITEM FOR INFORMATION

Received by the Regents
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Subject: Litigation

July 2006

I. NEW CASES

1. Willie J. Copeland v Board of Regents of the University of Michigan, Robert J. Turner II Corporation, and James Almashy. United States District Court, Eastern District of Michigan. (Judge Robert H. Cleland) (Served June 13, 2006).

Plaintiff claims that the University discriminated against him when we failed to hire him for positions for which he applied. He also claims that he was retaliated against after he filed a charge of discrimination against the University with the U.S. Equal Employment Opportunity Commission. Plaintiff alleges that he is being treated differently because of his race. Mr. Copeland seeks compensatory damages for economic and non-economic injuries, punitive damages in excess of \$300,000, an electrician position at the University, costs, and attorney's fees.

2. Ronald J. Rolak v Regents of the University of Michigan and Kristen D. Skivington. Genesee County Circuit Court. (Judge Judith A. Fullerton) (Filed June 26, 2006).

Mr. Rolak states that he applied for a number of positions in the Development/Gift Giving area at the UM-Flint campus and that he was never interviewed or offered any of the positions. He claims that he was well-qualified for the positions but that he is not being considered because of his age and gender. He seeks judgment in excess of \$25,000, plus costs and attorney's fees.

II. RESOLUTIONS

No cases were resolved this month.

III. CASE UPDATES

3. Owen Kevin McNulty v University of Michigan. Washtenaw County Circuit Court. (Judge Melinda Morris) (Filed April 11, 2005).

Plaintiff is employed by UM's Department of Public Safety. He claims that he has been treated unfairly and bypassed for promotion because of his disability. Plaintiff also alleges that his supervisors failed to accommodate his disability and then demoted him in retaliation for questioning the way in which he was being treated. He seeks lost wages, damages, costs, interest and attorney's fees. Plaintiff had previously filed his claims in federal court (*Owen K. McNulty v*

University of Michigan and William Bess. United States District Court, Eastern District of Michigan; filed February 24, 2004). He stipulated to a dismissal of his federal claims and re-filed his state claims in state court. The University filed a motion for summary disposition, which was denied by Judge Morris. The University filed an interlocutory appeal to the Michigan Court of Appeals.

4. 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 is scheduled for July 11, 2006.

5. Alissa Zwick v Regents of the University of Michigan, Marilyn Lantz, Wilhelm Piskorowski, Mark Snyder and Fred Burgett. Washtenaw County Circuit Court. (Judge Melinda Morris) (Filed May 12, 2006). Michigan Court of Claims. (Judge James R. Giddings) (Filed May 12, 2006).

Plaintiff is a former Dental School student who was dismissed in her third year of studies. She claims that she was targeted by the Dental School administration and the named defendants for reasons unrelated to her academic studies. Her allegations include violations of her free speech, due process, breach of contract, and defamation. She seeks damages in excess of \$25,000, reinstatement as a Dental School student, interest, costs and attorney's fees. The two cases have been removed to federal court.

6. Christopher Bell, Karen Brewer and John Doe v Michigamua and Regents of the University of Michigan. Washtenaw County Circuit Court. (Hon. Timothy P. Connors) (Served May 4, 2006).

Plaintiffs are Native Americans and former students and/or employees of the University. They claim that the Michigamua organization and representatives of the University entered into an agreement in 1989 with a former student whereby references and activities based on Native American culture would be eliminated from the Michigamua organization. Plaintiffs allege that Michigamua members continued to engage in prohibited behaviors and that the University failed to monitor Michigamua. Plaintiffs seek certification as a class action, damages, costs and attorneys' fees. The University filed a motion to dismiss based on jurisdictional grounds because the claims against the University should have been filed in the Michigan Court of Claims. Plaintiff Bell stipulated to our request and

will file the claims against the University in the Court of Claims. The case will then be consolidated in Washtenaw County Circuit Court and Judge Connors will sit as Court of Claims judge for those claims.

Respectfully submitted,



Marvin Krislow
Vice President and General Counsel

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