

THE UNIVERSITY OF MICHIGAN
REGENTS COMMUNICATION
ITEM FOR INFORMATION

Subject: Litigation

July 2012

NEW CASES

Douglas M. Smith v Regents of the University of Michigan. Washtenaw County Circuit Court.
(Judge David S. Swartz) (Filed June 13, 2012).

Plaintiff claims that the University Board of Regents violated the Michigan Open Meetings Act when it announced its choice of a law firm to conduct an external evaluation of the handling of a report of a resident physician suspected of possessing child pornography, allegedly without having announced or held a special public meeting to choose that law firm. Plaintiff also alleges that he filed a Freedom of Information Act request for documents to show how the regents chose the consultants; and claims that the response received from the University was not timely, informed him that much of the responsive material would be exempt from disclosure, and informed him that a fee deposit would be required. Plaintiff asks the court to compel the University to disclose the public records that he requested, and seeks damages, attorney fees, and costs.

Regents of the University of Michigan v St. Jude Medical, Inc. United States District Court,
Eastern District of Michigan. (Judge Avern Cohn/Magistrate Judge Laurie J. Michelson)
(Filed July 2, 2012).

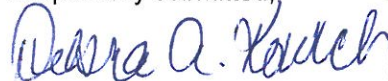
In 1997, the University licensed to St. Jude Medical, Inc. its rights to patents and other technology related to chemical compositions for treating bio-prosthetic tissues. St. Jude has been paying royalties to the University for a number of years, but last year stopped paying, claiming that the University patents do not cover all of the St. Jude products and that therefore the company was entitled to a credit on amounts previously paid. The University filed this lawsuit in order to recover the \$5-7 million that is currently owed, and to protect the University's ability to receive the future royalties to which the University is entitled.

RESOLUTIONS

Gordon Doody v Regents of the University of Michigan. Washtenaw County Circuit Court. (Judge Archie C. Brown) (Filed March 18, 2011).

Plaintiff was employed as a pilot by Delta Airlines and was on a medical disability which prevented him from obtaining a medical certificate to allow him to pilot inter alia commercial aircraft until he underwent medical testing and provided the results to the Federal Aviation Administration. Such tests were performed at the University of Michigan Hospital. Plaintiff claims that the UM Hospital did not send the testing results to the FAA in a timely manner and that such delay resulted in a loss of compensation and reimbursements of approximately \$80,000. Plaintiff's counts include breach of contract and negligence. He seeks \$80,000 plus interest, costs and attorney fees. Settlement was reached between the parties and the case is closed.

Respectfully submitted,



Debra A. Kowich
Interim Vice President & General Counsel

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