

THE UNIVERSITY OF MICHIGAN  
REGENTS COMMUNICATION  
ITEM FOR INFORMATION

Subject: Litigation

July 2023

NEW CASES

Rampit USA, Inc. v University of Michigan. 3A District Court for the County of Branch. (Judge Brent Weigle)  
(Filed April 6, 2023)

Plaintiff filed a three-count complaint to include breach of contract, account stated and unjust enrichment. Plaintiff seeks \$2,242.50, together with interest, costs, and attorney's fees. Defendant paid the amount Plaintiff sought and this case is concluded.

Timothy Weiss and Kyle Guster v. University of Michigan Health System, University of Michigan Board of Regents, UM Health, MyMichigan Health, MyMichigan Medical Center Midland, and MyMichigan Medical Group. Court of Claims. (Judge Brock A. Swartzle) (Filed April 26, 2023)

Plaintiffs alleges that Dr. Alonso Collar committed battery during a surgical procedure at MyMichigan Medical Center. Plaintiffs' seven-count complaint includes alleged assault and battery and gross negligence. Plaintiffs seek damages in excess of \$25,000, together with costs, interest and attorney's fees. Defendants stipulated to the dismissal of this case.

Luis Antonio Martinez, Sr., Ana Martinez De Jesus, Yaritza Martinez De Jesus, Debora Martinez De Jesus, and Enith Martinez De Jesus v County of Wayne, a municipal corporation, Dr. Carl Schmidt, acting in his official and individual capacities, Dr. Leigh Hlavaty, Dr. Michael Caplan, Dr. Lee Hill, William Kasper, Investigator Davis and Investigator Doe, all acting in their individual capacities. United States District Court, Eastern District of Michigan. (Filed June 6, 2023) (Judge Matthew Leitman)

Plaintiffs filed a five-count complaint including alleged violations of 42 U.S.C. § 1983, M.C.L. § 52.205, gross negligence and intentional infliction of emotional distress when the decedent's body was allegedly cremated without the family being afforded the opportunity to identify his remains. Plaintiffs seek compensatory and punitive damages, together with costs and attorney's fees.

Mark Stanalajczo, DDS v University of Michigan, The Regents of the University of Michigan, Brandonn Perry, in his individual capacity; and Lynn Johnson, in her individual capacity. United States District Court, Eastern District of Michigan. (Judge Victoria Roberts) (Filed June 27, 2023)

Plaintiff was an Adjunct Clinical Professor for the University's Dental School and has filed a two-count complaint alleging he was terminated in retaliation for complaining about the Dental School's personal protection equipment policy. Plaintiff seeks restoration of his employment with back pay, compensatory, punitive and exemplary damages together with costs and attorney's fees.

CASE UPDATES

Karen Zarza v University of Michigan. United States District Court, Eastern District of Michigan (Judge Arthur Tarnow) (Served March 20, 2019) AND Karen Zarza v Board of Regents of the University of Michigan. Washtenaw County Circuit Court. (Filed September 17, 2019) (Judge David S. Swartz)

Plaintiff has two lawsuits pending concurrently in two different courts, both include allegations of unlawful termination. Plaintiff was a Supervisor for the University of Michigan's Building Services department and alleges she was terminated from her position in retaliation for opposing Defendant's alleged unlawful employment practices towards a former custodian employee. Plaintiff alleges retaliation for exercising rights under PWDCRA and the Worker's Disability Compensation Act. Plaintiff seeks lost wages, compensatory damages, and liquidated damages pursuant to Section 504 of the federal Rehabilitation Act, punitive and exemplary damages, together with interest, costs, and attorney's fees. Defendant filed a motion for partial

dismissal in the federal court case on April 10, 2019, that was granted on August 5, 2019, dismissing plaintiff's state-law based claims. On January 7, 2020, Defendant filed a motion for summary disposition in WCCC that was granted on February 12, 2020. Plaintiff filed an appeal on March 2, 2020, that was granted. Defendant filed an application for leave to the Michigan Supreme Court that is currently pending. Plaintiff filed a motion for summary judgment in the federal court case that was granted on August 2, 2022. Plaintiff filed a notice of appeal on August 31, 2022, that was granted on May 5, 2023.

**Suleyman Uludag, Ph.D. v University of Michigan – Flint, a public university.** Genesee County Circuit Court. (Judge Joseph Farah) (Served September 24 2020)

Plaintiff, a tenured associate professor of computer science for the University of Michigan-Flint, filed a one-count breach of contract claim alleging that, while he was physically away from campus (in Turkey), he performed his contractual duties of research and service and offered to teach remotely and defendant refused to provide his salary and benefits. Plaintiff sought in excess of \$25,000, together with interest, costs, and attorney's fees. On March 23, 2022, Defendant filed a motion for summary judgement that was granted on May 24, 2022. Plaintiff filed a claim of appeal on June 13, 2022. On May 7, 2023, Defendant filed a Notice of Supplemental Authority claiming Plaintiff has failed to comply with the notice requirement.

**Laura Beny v University of Michigan, University of Michigan Law School, and Dean Mark D. West, Individual and professional capacity.** United States District Court, Eastern District of Michigan. (Filed August 26, 2022) (Judge David A. Lawson)

Plaintiff is a tenured professor at the Law School who claims she has been subjected to disability, race, and gender discrimination, and related claims, including retaliation. Plaintiff filed a fourteen-count complaint that includes claims for alleged violations of the Americans with Disabilities Act (ADA); the Family Medical Leave Act (FMLA); Title VII for race and sex discrimination; Title IX; First Amendment; Fifth Amendment; Fourteenth Amendment for Equal Protection and Due Process; Michigan Persons with Disabilities Act (PWDCRA); Elliott-Larson Civil Rights Act (ELCRA) based on sex, race and familial/marital status, hostile work environment under ELCRA, and retaliation. Plaintiff seeks in excess of \$75,000, together with interest, costs, and attorney's fees. On November 21, 2022, Defendants filed a motion to dismiss. On January 13, 2023, Plaintiff filed an amended complaint. On February 6, 2023, Defendants filed a motion to dismiss Plaintiff's First Amended Complaint that was granted and denied in part on July 7, 2023.

**Torin Clay v The University of Michigan.** Washtenaw County Circuit Court. (Filed August 24, 2020) (Judge Carol Kuhnke)

Plaintiff alleged a violation of the Elliott-Larsen Civil Rights Act and sought compensatory damages, withdrawal and eradication of his suspension, readmission to the University of Michigan, full credit for those academic classes taken and completed while he was suspended from the University of Michigan, interest, costs, and attorney's fees. On September 14, 2020, Defendants filed a motion for summary disposition of all claims or alternatively for partial summary disposition of Plaintiff's equitable claims. On November 11, 2020, Defendants' motion for summary disposition was denied and the motion for partial summary disposition was granted because the Court of Claims retains jurisdiction of Plaintiff's equitable claims. On March 9, 2021, Defendant-Appellant filed an appeal. On March 29, 2021, Plaintiff-Appellee filed a motion to dismiss the appeal, which was granted on April 22, 2021. On November 30, 2022, Defendant filed a partial motion for summary disposition that was denied. On February 14, 2023, Defendant filed a motion for summary disposition. On April 19, 2023, the court heard Defendant's motion for full summary disposition, together with Defendant's motion challenging the admission of Plaintiff's expert witness testimony. Both of those motions were denied. On May 10, 2023, Defendant filed a motion for summary disposition that was granted on June 21, 2023. Plaintiff filed a notice of appeal.

## CASE RESOLUTIONS

**John Taylor v University of Michigan/CS Mott Hospital, Ashleigh Isaacs, Diane Knibbs and Jamie Thor.**  
United States District Court, Eastern District of Michigan. (Judge Denise Page Hood) (Served December 7, 2021)

Plaintiff alleged that he was repeatedly subjected to various forms of harassment and disparate treatment by Defendant Thor. Plaintiff's three-count complaint alleged race discrimination and intentional infliction of emotional distress. Plaintiff sought compensatory and punitive damages, front pay, expungement of his personnel file, and attorney's fees. Settlement has been reached between the parties. This case is concluded.

**Thomas Smith v The Regents of the University of Michigan, The University of Michigan, a Michigan Corporation, Michigan Medicine, a Michigan non-profit entity, Andrew Gray Urquhart, M.D. Kathryn Maguire, R.N.** Washtenaw County Circuit Court. (Filed June 15, 2022) (Judge Archie C. Brown)

Plaintiff, a former employee at the University of Michigan, alleged a noose was fashioned and displayed in the workplace in June 2019. Plaintiff's three-count complaint included alleged violations of (1) ELCRA, for hostile work environment and race discrimination and (2) the Freedom of Information Act. Plaintiff sought a judgment in excess of \$2,000,000 together with interest, costs and attorney's fees. On September 14, 2022, Defendants filed a motion for summary disposition. Settlement has been reached between the parties. This case is concluded.

**Jasmine Mehta v University of Michigan.** Court of Claims. (Judge Elizabeth Gleicher) (Served February 13, 2023)

Plaintiff alleged she slipped and fell on a University-owned sidewalk that was icy and snow-covered, resulting in an injury requiring surgery. Plaintiff's two-count complaint included claims for negligence. Plaintiff sought an amount in excess of \$25,000 together with costs, interest, and attorney's fees. On March 3, 2023, Defendant filed a motion for summary disposition that was granted on May 22, 2023.

**Elia Companies, LLC, a Michigan limited liability company v Regents of the University of Michigan, a Michigan constitutional corporation.** Washtenaw County Circuit Court. (Judge Archie Brown) (Filed August 9, 2018)

Plaintiff owns and operates restaurants, including several coffee shops through various wholly owned subsidiaries and related entities. The parties were in dispute over the termination of a lease for certain premises located in the University of Michigan Union. Plaintiff's six-count complaint included alleged breach of contract, breach of covenant for quiet possession, use and enjoyment, conversation, unjust enrichment and alleged violations of Michigan's lock-out statute. Plaintiff sought in excess of \$25,000, interest, costs, and attorney's fees. On June 18, 2019, Defendant filed a motion for summary disposition that was granted with prejudice on August 23, 2019. Plaintiff filed an appeal. On January 21, 2021, the Court of Appeals affirmed dismissal of all claims except the breach of contract claim, which was remanded to the Court of Claims. On April 5, 2021, Defendant filed an application for leave to appeal to the Michigan Supreme Court. On May 2, 2023, the Michigan Supreme Court reversed and remanded to the Court of Claims for reinstatement of summary disposition in favor of defendant. Plaintiff-Appellee filed a motion for reconsideration on May 23, 2023, that was denied on June 30, 2023.

Respectfully submitted,



Timothy G. Lynch  
Vice President and General Counsel

July 2023