

THE UNIVERSITY OF MICHIGAN
REGENTS COMMUNICATION
ITEM FOR INFORMATION

Subject: Litigation

October 2015

NEW CASES

Motor City Pawn Brokers v University of Michigan Police Department. In the 37th District of Michigan (Judge John M. Chmura) (Filed August 18, 2015)

Plaintiff, Motor City Pawn Brokers, Inc., has filed a complaint against the University of Michigan Police Department seeking the return of a Laptop, or in the alternative, damages in the amount of \$375.00. On September 22, 2015, this case was dismissed.

Carmen Green v The Board of Regents of the University of Michigan. Washtenaw County Circuit Court (Judge Timothy Connors) (Served September 22, 2015)

Plaintiff, a University of Michigan physician and medical school professor, has filed a three-count Complaint alleging retaliation in violation of the Michigan Elliott Civil Rights Act after her administrative appointment as Associate Vice President and Associate Dean for the Office for Health and Equity Inclusion ("OHEI") was terminated. Plaintiff has retained her position as a tenured faculty member. Plaintiff claims the termination as an Associate Dean was in retaliation for addressing discrimination in access to healthcare and healthcare facilities, addressing racial disparity in patient outcomes, and addressing alleged discriminatory employment practices. Plaintiff seeks in excess of \$25,000, lost wages, fringe benefits, interest, costs, and attorney's fees. Plaintiff also seeks injunctive relief.

Tracey Meade v. Board of Regents of the University of Michigan. Court of Claims (Judge Cynthia Stephens) (Served September 17, 2015)

Plaintiff, Tracey Meade, brings a breach of contract claim against the University out of an alleged denial of her Long Term Disability benefits. Plaintiff seeks in excess of \$25,000, an Order instructing the University to file the LTD plan with ManageAbility, interest, costs, and attorney's fees.

Crystal Vlodyka v. Board of Regents of the University of Michigan. Court of Claims (Judge Mark Boonstra) (Served September 17, 2015)

Plaintiff, Crystal Vlodyka, brings a breach of contract claim against the University out of an alleged denial of her Long Term Disability benefits. Plaintiff seeks in excess of \$25,000, an accounting as to her rate of long-term disability benefits under the Plan, and the maximum period of time those benefits are potentially available to her. Plaintiff also seeks interest, costs, and attorney's fees.

CASE UPDATES

Sheri Barron v University of Michigan and University of Michigan Health System. U.S. District Court, Eastern District of Michigan, Southern Division (Judge Mark A. Goldsmith) (Served August 10, 2011).

Plaintiff was a registered nurse at UMHS. She alleges she was harassed and discriminated against based on her age and disability or perceived disability when, after returning from a disability leave of absence of more than seven years, she was told that she should take a refresher course before she could be returned to work as a registered nurse. Plaintiff claims that she applied for approximately 70 registered nurse positions within the University following her leave, and that, after taking the training, she was not promoted from the nurse's-aid position. Plaintiff also alleges that she was told she would not be considered for promotion because of her age. Plaintiff claims she suffered economic and emotional damages. She seeks judgment against the University, damages, costs, and attorney's fees. On March 12, 2013, Defendants filed a motion to dismiss that was denied on May 30, 2013. On June 19, 2013, the

Court awarded Defendants costs and attorney's fees as a result of a court filing seeking overdue discovery from Plaintiff. On August 28, 2013, Plaintiff's attorney's motion to withdraw as counsel was granted. Defendant's second motion to dismiss, filed on June 26, 2013, was denied. The Court also imposed additional sanctions upon Plaintiff for her failure to produce overdue discovery. On November 25, 2013, Defendants filed their third motion to dismiss for failure to comply with Court orders; that motion was granted on June 30, 2014, with prejudice. On July 21, 2014, Plaintiff filed an appeal to the Sixth Circuit Court of Appeals. On May 29, 2015, the Court of Appeals affirmed the District Court's decision to dismiss after Plaintiff failed to comply with discovery-related Court orders and pay the monetary sanction assessed against her. Plaintiff filed a motion for rehearing that was denied. Plaintiff filed a Petition for Writ of Certiorari to the U.S. Supreme Court.

The World Leadership Program Institute, a District of Columbia not for profit organization v Mark Tessler, Sherman Jackson, Nancy Burns, and David Howell. Washtenaw County Circuit Court (Judge David Swartz) (Filed June 30, 2015)

Plaintiff, The World Leadership Program, has filed a claim in state court alleging that defendants wrongfully obtained, handled, and then terminated a grant from the United Arab Emirates that, they contend, would otherwise have funded its activities. Plaintiff claims breach of contract, fraud, unjust enrichment, and promissory estoppel. Plaintiff seeks damages in excess of \$25,000, punitive damages, costs, interest, and attorney's fees. Plaintiff filed a similar complaint in federal court against these same named defendants as well as The Board of Regents of The University of Michigan, The Center for Political Studies, and The Institute for Social Research. That case was dismissed by the court in April 2015. Defendants filed a motion to dismiss that is currently pending before the court.

Joshua Wade v University of Michigan. Court of Claims (Judge Cynthia Stephens) (Served June 15, 2015).

Plaintiff, who achieved notoriety for bringing a handgun into a choir concert at an Ann Arbor high school, claims that his constitutional rights were violated when he applied for and was denied a personal waiver to carry a firearm on campus, despite not working, studying, or living on campus. He asks the Court to declare that Defendant's Ordinance to Regulate Parking and Traffic, and to Regulate the Use and Protection of the Buildings and Property of the Regents of the University of Michigan ("Ordinance"), violates the Michigan, and U.S. Constitutions. Plaintiff further seeks that Defendant be enjoined from enforcing the Ordinance. Defendant filed a motion to dismiss that is currently pending before the court.

CASE RESOLUTIONS

Gregory Herring v University of Michigan Police Officer Milot Goci, University of Michigan Police Officer Bryant, University of Michigan Police Officer Push, University of Michigan Police Sergeant Conners, in their individual capacities, jointly and severally. United States District Court, Eastern District of Michigan (Judge Patrick J. Duggan) (Filed October 22, 2014)

Plaintiff alleged that, on October 22, 2012, defendants used excessive force when they arrested him. He claimed that these alleged acts deprived him of his rights under the United States Constitution, constituted assault and battery, and created an independent claim for excessive force. Plaintiff claimed he suffered embarrassment, humiliation, distress, and debilitating injuries, and seeks exemplary and punitive damages, plus interest, costs, and attorney's fees. Two of the named Defendants had been dismissed. Trial was held in September, 2015 for the remaining two Defendants. The jury rendered a no cause verdict in favor of the University.

Drew Sterrett v. Heather Cowan, Jay Wilgus, Stacey Vander Velde, Theodore Spencer, Susan Pritzel, Mikiko Senja, E. Royster Harper, Malinda Matney, Anthony Walesby, and Laura Blake Jones, United States District Court, Eastern District of Michigan (Judge Denise Page Hood) (Filed April 23, 2014)

Plaintiff is a former student at the University of Michigan. His claims arose out of disciplinary and other alleged actions taken against him by Defendants on the basis of sexual misconduct. Settlement has been reached between the parties. This case is concluded.

Mark Grebner v University of Michigan, Court of Claims (Judge Cynthia Stephens) (Served May 18, 2015)

Plaintiff claimed that Defendant violated the Freedom of Information Act (FOIA) by denying him access to public records after his FOIA request was denied. Plaintiff asked the court to issue an Order compelling Defendant to cease and desist from violating FOIA, to disclose the public records requested at no cost to Plaintiff, and award Plaintiff damages, punitive damages, costs, and attorney's fees. On September 23, 2015, the parties stipulated to the dismissal of this case, without prejudice.

Respectfully submitted,



Timothy G. Lynch
Vice President & General Counsel

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