

THE UNIVERSITY OF MICHIGAN
REGENTS COMMUNICATION
ITEM FOR INFORMATION

Received by the Regents
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Subject: Litigation

January 2012

NEW CASES

Senta Reyes v The University of Michigan, Dr. Merle Jaarda, Dr. Patricia Bauer, and Dr. Marilyn Woolfolk, United States District Court, Eastern District of Michigan. (Judge Nancy G. Edmunds) (Filed December 1, 2011).

Plaintiff was a Dental School student who was dismissed during the repetition of her second year of studies. Plaintiff alleges: deprivation of her rights to free speech, due process, and equal protection under the U.S. and Michigan Constitutions; racial discrimination; promissory estoppel/detrimental reliance; and, breach of contract. Plaintiff claims she has suffered economic damages (including future lost wages and earning capacity), embarrassment, humiliation, outrage, anxiety, mental anguish, and mental and emotional distress. She seeks damages in excess of \$75,000, plus costs, interest, and attorney fees.

Stephen C. Tripodi v Board of Regents for the University of Michigan, United States District Court, Eastern District of Michigan. (Judge Bernard A. Friedman) (Filed December 6, 2011).

Plaintiff was a student at the University of Michigan-Flint in Fall 2007. Plaintiff alleges the University took certain actions that limited his ability to attend class and succeed academically based on his gender and in violation of Title IX of the Civil Rights Act. Plaintiff claims he has suffered emotional distress, stress, anxiety, academic ruin, and financial duress. Plaintiff seeks damages in excess of \$8 million.

Shalanda M. Golden v Regents of the University of Michigan. Michigan Court of Claims. (Judge Rosemarie E. Aquilina) (Filed December 8, 2011).

Plaintiff alleges that she slipped on ice located in a University of Michigan-Flint parking structure. Plaintiff claims she sustained multiple injuries and alleges the University was in violation of statutory obligations and maintenance. Plaintiff claims that, as a result of the injuries, she has sustained loss of earnings and earning capacity, has become obligated for past and future medical expenses, and will experience future pain and suffering. Plaintiff seeks unspecified damages, plus costs, interest, and attorney fees.

Carter Simmons v University of Michigan. United States District Court, Eastern District of Michigan. (Judge Denise Page Hood) (Served January 3, 2012).

Plaintiff was employed as a custodian at the University. Mr. Simmons alleges that, after suffering an injury, he returned to work with medical restrictions and the University failed to accommodate him. His allegations include race and disability discrimination, as well as retaliation for having

complained about discrimination and a violation of the Family and Medical Leave Act. He seeks damages in excess of \$75,000 as well as costs, interest, and attorney fees.

RESOLUTIONS

Mary H. Wagner v Board of Regents of the University of Michigan. Genesee County Circuit Court.
(Judge Richard B. Yuille) (Filed April 16, 2010).

Plaintiff was an Assistant Professor of Music on the Flint Campus. Professor Wagner claims that her application for tenure was denied based on gender discrimination. She alleges that the members of the Executive Committee of the College of Arts & Sciences as well as Dean D.J. Trela harbored bias against women faculty who exercised their rights to bear children and take Modified Duties Leave. She also claims that similarly situated male tenure track candidates were treated differently. Professor Wagner claims gender discrimination in violation of the Elliott-Larson Civil Rights Act and seeks damages for emotional distress, economic losses, attorney's fees and costs. She also seeks reinstatement and tenure. A Motion for Summary Disposition was filed on behalf of the Defendant and denied by Judge Yuille on July 29, 2011. The University filed an interlocutory appeal of that decision to the Michigan Court of Appeals. Settlement was reached between the parties and the matter has been dismissed.

Aiman Farhoud and Souhar Farhoud v Darice Rosario. Washtenaw County Circuit Court.
(Judge Timothy P. Connors) (Filed August 1, 2011).

Plaintiff Aiman Farhoud is a patient care technician at the University of Michigan Hospital. Defendant Darice Rosario is a nurse co-worker. Plaintiff Farhoud alleges that Defendant made false accusations against him when she told her supervisors that Farhoud advised a co-worker "go do this procedure before I kill somebody." Plaintiff alleges that Rosario's accusations resulted in his being subjected to investigation by UMH security personnel (after which he was cleared of any wrongdoing) as well as suffering embarrassment, humiliation, mortification, depression, sleeplessness, anxiety, missed time from work, damage to his reputation in the workplace and his community, and lost wages and benefits. Plaintiff Souhar Farhoud (Aiman's wife) claims damage to her reputation in the community, emotional distress, humiliation, mortification, embarrassment, sleeplessness, and anxiety. Plaintiffs seek judgment in excess of \$25,000 plus costs, interest, and reasonable attorney fees. The University filed a motion to dismiss the defamation and emotional distress claims. On October 27, 2011 Judge Connors dismissed the defamation claim but adjourned a ruling on the emotional distress claim. Judge Connors also granted Plaintiff's motion to amend the complaint to add the intentional interference of an advantageous relationship claim. At a December 15, 2011 hearing, Judge Connors granted the Defendant's motion to dismiss the case in its entirety with prejudice.

CASE UPDATES

Alex A. Lemerand v Kevin Sheldon Hartman. Washtenaw County Circuit Court. (Judge Timothy Connors) (Filed May 29, 2009); Alex Lemerand v Regents of the University of Michigan. Michigan Court of Claims. (Filed June 1, 2009).

Plaintiff claims that on June 19, 2006, he was driving in Ann Arbor when his vehicle was struck from the rear by a University of Michigan vehicle driven by UM employee Kevin Hartman. Mr. Lemerand alleges that Mr. Hartman was negligent by driving at an excessive rate of speed, was unable to stop, and failed to drive with due care and caution, among other violations of the Motor Vehicle Code of the State of Michigan. Plaintiff claims that, as a result of the accident, he has suffered serious and permanent injuries and disfigurements. He seeks damages, costs, attorney's fees and interest. Plaintiff filed a companion case in the Michigan Court of Claims against the University of Michigan, which was consolidated with the Washtenaw County case pending before Judge Connors. On May 27, 2010, Judge Connors granted the University's motion for summary disposition based upon plaintiff's failure to comply with the notice requirement of the Court of Claims. On August 5, 2010, the judge granted the motion for summary disposition for the individual defendant Kevin Hartman, concluding the case. Plaintiff filed an appeal to the Michigan Court of Appeals. On October 20, 2011, the court issued its opinion that upheld the lower court's dismissal of the case. On November 30, 2011, the Plaintiff filed an application for review with the Michigan Supreme Court.

Respectfully submitted,



Suellyn Sparnecchia
Vice President and General Counsel

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