

THE UNIVERSITY OF MICHIGAN  
REGENTS COMMUNICATION  
ITEM FOR INFORMATION

Received by the Regents  
March 20, 2008

Subject: Litigation

March 2008

I. NEW CASES

There are no new cases this month.

II. RESOLUTIONS

1. Jane Doe 1, Jane Doe 2, and Jane Doe 3 v University of Michigan Board of Regents. Washtenaw County Circuit Court. (Judge Donald E. Shelton) (Filed October 9, 2007).

This is an action for disclosure of records under the Michigan Freedom of Information Act. Plaintiffs' attorney, on behalf of his clients, claims that the University has failed to produce documents that were requested under FOIA relating to Department of Public Safety investigations. Plaintiffs seek the requested records, attorney's fees, costs and damages. The parties reached an agreement in this matter and Plaintiffs stipulated to a dismissal of the case.

2. Tammy Escamilla-Albreacht v Skanska USA Building Inc. and Board of Regents of the University of Michigan. Washtenaw County Circuit Court. (Judge Donald E. Shelton) (Filed December 4, 2007).

Plaintiff was employed by a subcontractor working on the Walgreen Drama Center construction project when she fell from a ladder. She claims that she was seriously injured and that the general contractor and the University were negligent in failing to provide a safe work site. Plaintiff seeks damages, costs, interest and attorney's fees. Plaintiff voluntarily dismissed the University from the case.

3. Hans Masing v Regents of the University of Michigan. Michigan Court of Claims. (Judge Paula J.M. Manderfield) (Filed January 12, 2007).

Mr. Masing claims that his former supervisor was unfair to him and ultimately RIFd him from his position in the Media Union. Plaintiff alleges breach of contract. He also claims that he was never paid for his on-call time, in violation of the Standard Practice Guide. Plaintiff seeks damages, interest, and attorneys' fees. Settlement was reached between the parties and the case is dismissed.

### III. CASE UPDATES

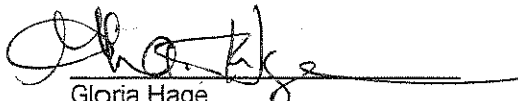
4. Repligen Corporation and the Regents of the University of Michigan v Bristol-Myers Squibb.  
United States Federal Court for the Eastern District of Texas. (Filed January 6, 2006).

Repligen and the University filed suit against Bristol-Myers Squibb ("BMS") for infringement of a University patent, as the result of BMS' sales of its Orencia product for the treatment of rheumatoid arthritis. The University and the Navy [co-owner] exclusively licensed their rights in this and other patents, which relate to methods of treating various diseases including arthritis and other autoimmune diseases, to Repligen in 1992. The licenses permit Repligen to enforce the patents. BMS filed two motions for summary judgment that, if granted, would result in the invalidity of the patent-in-suit. The University and Repligen filed responses on January 31, 2008. Discovery has been completed and, unless the case is settled through mediation in March, a jury trial is expected to begin in early April.

5. Michael Wells v Securitas Security Services USA, Inc. and the University of Michigan.  
United States District Court, Eastern District of Michigan. (Judge Anna Diggs Taylor) (Filed December 28, 2007). Wayne County Circuit Court. (Judge Prentis Edwards) (Filed February 15, 2008).

Plaintiff was employed by Securitas Security Services as a security officer. The University contracts with Securitas to provide security for the University's Power Plant. Mr. Wells states that a University employee had told him that she had been sexually assaulted by another University employee the previous year. Thereafter, Mr. Wells informed DPS and Power Plant officials of the assault. Plaintiff claims that shortly after he reported that assault, he was removed from his position at the Power Plant by Securitas, was reassigned to another facility in Saline, and subsequently terminated. Plaintiff alleges that these actions were violations of the Whistleblowers' Protection Act and in retaliation for reporting a sexual assault. He seeks damages in excess of \$5 million, as well as costs and fees. Plaintiff's state court claims were dismissed from the federal court case and re-filed in Wayne County Circuit Court.

Respectfully submitted,



Gloria Hage  
Interim Vice President and General Counsel