

Received by the Regents  
July 19, 2007

THE UNIVERSITY OF MICHIGAN  
REGENTS COMMUNICATION  
ITEM FOR INFORMATION

Subject: Litigation

July 2007

I. NEW CASES

1. Anita Stubbs v University of Michigan. Michigan Court of Claims. (Judge Laura L. Baird) (Filed June 6, 2007).

Plaintiff is a former employee of the University. She claims that she is not receiving benefits that are due her, including long-term disability and retirement benefits. Plaintiff seeks damages in excess of \$25,000, implementation of benefit plans, costs, interest and attorney's fees.

II. RESOLUTIONS

2. Margaret Welch v Board of Regents of the University of Michigan. Michigan Court of Claims. (Judge Joyce Draganchuk) (Filed April 19, 2005). Removed to United States District Court, Eastern District of Michigan (Judge Arthur J. Tarnow).

Plaintiff was employed as a nurse in the University's Saline Health Center clinic. She claims that she had reported a number of safety concerns at the facility and had been admonished by her supervisor for doing so. In October 2004, plaintiff was placed on medical leave of absence by her physician. She claims that, when she returned to work in January 2005, she was interrogated at length by her supervisors and that, fearing she was going to lose her job, she resigned. Plaintiff alleges that she was retaliated against in violation of her First Amendment rights to free speech and in violation of the Whistleblower's Protection Act. She also alleges that she was harassed by her supervisors and constructively discharged in retaliation for taking medical leave protected by the Family and Medical Leave Act. She seeks damages, lost wages, front pay, and reinstatement. Settlement was reached between the parties and the case is dismissed.

3. Lisa Fraiberg v Board of Regents of the University of Michigan. United States District Court, Eastern District of Michigan. (Judge Lawrence P. Zatkoff) (Filed July 19, 2006); Washtenaw County Circuit Court (Judge Donald E. Shelton) (Filed September 7, 2006); Michigan Court of Claims (Judge Beverley Nettles-Nickerson) (Filed September 8, 2006).

Plaintiff was employed in the Food Services Division of University Housing until her termination in April 2006. She claims that she was discriminated against because of her disabilities. She also claims that the University violated the Family Medical Leave Act and subsequently discriminated against her for having taken FMLA leave. Finally, Plaintiff alleges that she was terminated in violation of the Michigan Whistleblower's Protection Act. She seeks reinstatement, attorney's fees,

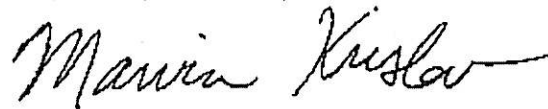
costs and damages. Plaintiff also filed her claims in the Washtenaw County Circuit Court and the Michigan Court of Claims, alleging violations of the Michigan Persons with Disabilities Civil Rights Act and the Michigan Whistleblower's Protection Act. Plaintiff stipulated to a dismissal of her Federal Court action. Settlement was reached between the parties and the case is dismissed.

### III. CASE UPDATES

4. Michigan Federation of Teachers & School Related Personnel v University of Michigan. Washtenaw County Circuit Court. (Judge Timothy Connors) (Filed March 19, 2004).

This is an action for disclosure of records under the Michigan Freedom of Information Act. Plaintiff sent a FOIA request to the University seeking the names, addresses, phone numbers and employment information of all University employees. The University provided the information with the exception of those employees who have a "do not publish" request on file. Plaintiff seeks access to those records. The parties filed cross-motions for summary disposition. The University's motion was granted and plaintiffs motion was denied by Judge Connors. The judge ruled that the home phone numbers and addresses of employees who refused to give permission to the University to publish them are private and the University was correct in refusing to disclose them. Plaintiff filed an appeal with the Michigan Court of Appeals. Oral argument was heard on April 11, 2006. The Court of Appeals issued its opinion, reversing the decision of the trial court. The University filed an application for leave to appeal to the Michigan Supreme Court. Plaintiffs filed their response to the application and the University filed a reply to that response.

Respectfully submitted,



Marvin Krislov  
Vice President and General Counsel

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