

THE UNIVERSITY OF MICHIGAN
REGENTS COMMUNICATION
ITEM FOR INFORMATION

Received by the Regents
October 20, 2006

Subject: Litigation

October 2006

I. NEW CASES

1. Ingham Regional Medical Center v Joseph E. Alverson v M-CARE, 54-B District Court, East Lansing, MI. (Judge Richard D. Ball) (Filed September 13, 2006).

Defendant Alverson's family member was treated at Ingham Regional Medical Center and the Medical Center filed suit against Alverson to collect payment for its services. Alverson claims that he has insurance coverage from M-CARE and that M-CARE has failed to provide coverage for the claim. He filed a third-party complaint against M-CARE, seeking the amount of the claim plus interest for the total amount of \$1691.41.

II. RESOLUTIONS

2. Christopher Bell, Karen Brewer and John Doe v Michigamua and Regents of the University of Michigan, Washtenaw County Circuit Court. (Hon. Timothy P. Connors) (Served May 4, 2006).

Plaintiffs are Native Americans and former students and/or employees of the University. They claim that the Michigamua organization and representatives of the University entered into an agreement in 1989 with a former student whereby references and activities based on Native American culture would be eliminated from the Michigamua organization. Plaintiffs allege that Michigamua members continued to engage in prohibited behaviors and that the University failed to monitor Michigamua. Plaintiffs seek certification as a class action, damages, costs and attorneys' fees. The University filed a motion to dismiss based on jurisdictional grounds because the claims against the University should have been filed in the Michigan Court of Claims. Plaintiff Bell stipulated to our request and will file the claims against the University in the Court of Claims. The case will then be consolidated in Washtenaw County Circuit Court and Judge Connors will sit as Court of Claims judge for those claims. On September 15, 2006, Judge Connors dismissed the University from the case without prejudice on jurisdictional grounds. Plaintiffs could re-file against the University in the Court of Claims.

3. Debra Gorney v University of Michigan and Lesli Scott, Washtenaw County Circuit Court. (Hon. Timothy P. Connors) (Filed April 4, 2006).

Plaintiff was employed as a survey specialist at ISR until her termination in October 2004. She claims that she has attention deficit hyperactivity disorder, clinical depression, and a degenerative spinal disease, all of which was disclosed to her supervisors. Gorney alleges that, following those disclosures, her supervisor began to find fault with her performance and put her on a work performance improvement plan. Gorney also alleges that the University failed to accommodate her

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.

Respectfully submitted,



Marvin Krislov
Vice President and General Counsel

October 2006