

THE UNIVERSITY OF MICHIGAN
REGENTS COMMUNICATION
ITEM FOR INFORMATION

Received by the Regents
October 25, 2007

Subject: Litigation

October 2007

I. NEW CASES

1. Mihaela Gavril v University of Michigan and Dr. Peter Adriaens. Washtenaw County Circuit Court. (Judge David S. Swartz) (Filed August 23, 2007).

Plaintiff was a research fellow in the department of Civil and Environmental Engineering at the College of Engineering under the supervision of Professor Adriaens. She claims that Professor Adriaens discriminated against her by treating her differently because of her gender and that she was retaliated against by the University and Professor Adriaens when she was terminated. She seeks damages in excess of \$25,000, costs and attorney's fees.

2. Carolyn Cook v University of Michigan. Michigan Court of Claims. (Judge James R. Giddings) (Filed September 25, 2007).

Ms. Cook states that she was walking across the University of Michigan Golf Course from the Michigan Stadium after a football game when her hand was struck by a golf cart driven by a Park-Rite employee. Park-Rite is a vendor that parks cars for football patrons and then shuttles them to and from the Stadium in golf carts. Plaintiff claims that the collision caused serious injuries and that the University is liable for the negligent actions of its agents. Plaintiff seeks damages, costs, interest and attorney's fees.

3. Katherine McCarty v University of Michigan. Washtenaw County Circuit Court. (Judge Donald E. Shelton) (Filed September 19, 2007).

Plaintiff is a Custodian at the University who filed a complaint of sexual harassment. She claims that the University failed to take prompt and remedial action following her complaint and that she has suffered damages, lost wages, emotional distress and attorney's fees. She seeks damages in excess of \$25,000, costs, interest and attorney's fees.

4. 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.

II. RESOLUTIONS

5. 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. The University filed a motion for summary disposition which was granted by the court on September 12, 2007.

III. CASE UPDATES

6. Mary Wilcox v Regents of the University of Michigan. Washtenaw County Circuit Court. (Judge Melinda Morris) (Filed December 23, 2005)

Plaintiff was employed as a Police Officer at the University of Michigan's Department of Public Safety. She claims that she was subjected to ongoing sexual harassment. Plaintiff alleges that she was passed over for open positions, suspended and subsequently forced to resign in retaliation for complaining of sexual harassment. The EEOC investigated Plaintiff's allegations and dismissed the complaint. Plaintiff seeks damages, attorney fees, costs, and interest. The University filed a motion for summary disposition which was denied by the court. Trial is set to begin on October 22, 2007.

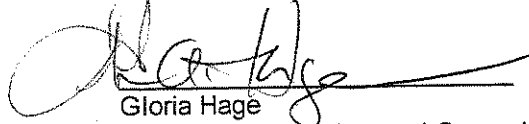
7. Mary C. Lee v University of Michigan-Dearborn and Robert L. Simpson. Michigan Court of Claims. (Judge James R. Giddings) (Filed March 13, 2006); removed to United States District Court, Western District of Michigan (Judge Hugh W. Brenneman, Jr.) (April 27, 2006).

Plaintiff is a former student at the Dearborn campus who was expelled from campus for violations of the Code of Student Conduct. She claims that the University's hearing board and code appeals council decisions were improper, that the University has breached its contract with her as a student, and that Dr. Simpson's denial to reconvene the code appeals council violated her due process rights. She seeks a review of the University's expulsion decisions, money damages, costs and attorney's fees. The case was removed to federal court and the University filed a motion for summary judgment. On September 28, 2007, Judge Brenneman ruled favorably on the University's motion in part, dismissing plaintiff's claims except for the breach of contract claim which was remanded to the Michigan Court of Claims.

8. 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 plaintiff's 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's application for leave to appeal to the Michigan Supreme Court was granted.

Respectfully submitted,



Gloria Hage
Interim Vice President and General Counsel

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