

THE UNIVERSITY OF MICHIGAN
REGENTS COMMUNICATION
ITEM FOR INFORMATION

Received by the Regents
October 23, 2008

Subject: Litigation

October 2008

NEW CASES

Angela Pantazatos v Regents of the University of Michigan. United States District Court, Eastern District of Michigan. (Filed September 11, 2008).

Plaintiff was employed by the University as an architect until her retirement in 2007. She claims in her lawsuit that she was discriminated against because of her age and retaliated against for having previously filed a grievance against her supervisor alleging gender, age and national origin discrimination. Ms. Pantazatos claims that, because of the continuing discrimination, she had no alternative than to submit her request for retirement. Her allegations include violations of the Elliott Larsen Civil Rights Act and she seeks compensation, costs, interest and attorney's fees. Plaintiff has indicated that she plans to dismiss this federal case and will re-file her complaint in state court.

RESOLUTIONS

There were no resolutions this month.

CASE UPDATES

Kathy Halabicky, et al. v University of Michigan. Washtenaw County Circuit Court. (Judge David S. Swartz) (Filed December 7, 2007); Removed to United States District Court, Eastern District of Michigan (January 4, 2008) (Judge David M. Lawson).

This is a complaint filed by female Physicians Assistants and Nurse Practitioners at the University Medical Center. The plaintiffs claim that they are paid less than their male counterparts, even though they perform substantially the same duties. Plaintiffs claim gender discrimination under the Equal Pay Act and Elliott Larsen Civil Rights Act and seek past and future economic damages, past and future non-economic damages, an increase in current compensation, interest, costs and attorney fees. The University removed the case to the federal court. Plaintiffs filed a motion for Class Certification. The case has been ordered to Facilitative Mediation.

James Colson v University of Michigan, Kevin Tremper and Ronald Wasserman. Washtenaw County Circuit Court. (Judge Timothy R. Connors) (Filed August 24, 2007). Michigan Court of Claims. (Judge Beverley Nettles Nickerson) (Filed August 23, 2007).

Plaintiff was employed as an Assistant Clinical Professor of Anesthesiology at the University. Dr. Colson claims that he was told about performance issues from time to time but was not given the opportunity review his file. In October 2005, Plaintiff was informed that his contract would not be renewed after August 31, 2006. Plaintiff's allegations include breach of contract, promissory estoppel, defamation against the named Defendants Tremper and Wasserman and age discrimination. He seeks damages in excess of \$25,000, costs, attorney's fees and reinstatement to his former position. On August 21, 2008, Plaintiff stipulated to dismiss three of his claims against the University: breach of contract, promissory estoppel and discharge in breach of public policy. Defendants filed a motion for summary disposition.


Stephen C. Tripodi v University of Michigan-Flint. 68th Judicial District Court. (Filed July 18, 2008). Michigan Court of Claims. (September 8, 2008).

Plaintiff was a student at the Flint Campus. He claims that he was dismissed by the University because of false allegations made by fellow students who claimed that Plaintiff threatened the safety of a University professor. Plaintiff seeks reimbursement of his tuition and fees. The University filed a motion to dismiss this case based on lack of subject matter jurisdiction. Plaintiff subsequently voluntarily dismissed the case and on September 8, 2008, he re-filed in the Michigan Court of Claims.

Pino Colone v Patrick Wardell, Hurley Medical Center and University of Michigan. Genesee County Circuit Court. (Judge Richard B. Yuille) (Filed June 14, 2007).

Plaintiff was employed by the University as an emergency room physician working at Hurley Hospital in Flint. He claims that he was a Whistleblower when he reported an incident to the State Nurse Licensing Board that he felt was inappropriate patient care. Plaintiff states that, subsequent to that report, he was retaliated against by both Hurley Hospital and the University when he was reassigned to work at another hospital. He seeks damages in excess of \$25,000, costs and attorney's fees. The University filed a motion for summary disposition as did Hurley Hospital/Patrick Wardell. Judge Yuille dismissed Plaintiff's conspiracy and public policy claims; the judge also dismissed the Whistleblower claim against Hurley Hospital but retained the Whistleblower claim against the University as well as the Elliott-Larsen retaliation claim against the University and Hurley. Defendants University, Hurley Medical Center and Patrick Wardell filed an application for leave to file an interlocutory appeal of Judge Yuille's ruling to the Michigan Court of Appeals.

Respectfully submitted,



Suelyn Scarnecchia
Vice President and General Counsel