

THE UNIVERSITY OF MICHIGAN
REGENTS COMMUNICATION
ITEM FOR INFORMATION

Received by the Regents
November 20, 2008

Subject: Litigation

November 2008

NEW CASES

1. Keith Yohn v Board of Regents of the University of Michigan, Peter Polverini, Paul Krebsbach and Mark Snyder. Michigan Court of Claims. (Judge Thomas L. Brown) (Filed October 7, 2008).

Professor Yohn's complaint alleges that Paul Krebsbach, Chair of the Biomedical and Materials Science Department in the School of Dentistry, is keeping a secret file on Dr. Yohn to force Plaintiff out of his tenured University appointment. He also alleges that Defendant Snyder committed misconduct by working on his intramural dental patients during work hours, causing Plaintiff to suffer anger and loss of sleep; Plaintiff complained to Dean Polverini and later filed a grievance of Snyder's misconduct. Dr. Yohn also complained that Dr. Krebsbach embarrassed him in front of his fellow faculty members at a faculty meeting, and that later an officer from DPS was sent to his home to ask him about some alleged threats made by Plaintiff at that meeting. Dr. Yohn seeks an order to expunge all evidence of the DPS incident report noted above, jail time for defendants Polverini and Krebsbach, \$3 million for mental anguish and suffering, and exemplary damages.

2. Ralph Jones v University of Michigan Hospital. Washtenaw County Circuit Court. (Judge Timothy P. Connors) (Filed October 14, 2008).

Plaintiff was a Clinical Manager at the Hospital who was terminated in May 2007 for falsification of his pay records. He claims that he had permission from his supervisor to claim extra pay for the work he performed and alleges that the University violated the Michigan Wage and Fringe Benefits Act. Mr. Jones also claims that administrators at the University defamed him when they informed prospective employers that he falsified his pay. He seeks damages, interest, costs and attorney fees.

RESOLUTIONS

3. David Andrew Nassar v Sgt. Pasquale Alessi. Macomb County Circuit Court. (Judge Peter J. Maceroni) (Filed May 29, 2007).

Mr. Nassar alleges that he was falsely accused of stealing books from the Graduate Library, that his home was searched and that he was handcuffed and arrested at his place of employment. Plaintiff claims that Sgt. Alessi (UM Department of Public Safety) used excessive and unreasonable force and violence. His allegations include gross negligence, false arrest and false imprisonment, assault and battery, and intentional infliction of emotional distress. He seeks damages in excess of

\$25,000, costs, interest and attorney's fees. The University filed a motion for summary disposition. Settlement was reached between the parties and the case is dismissed.

4. Linda J. Kleinschmidt v Regents of the University of Michigan and Ronald Williams. Washtenaw County Circuit Court. (Judge David S. Swartz) (Filed January 24, 2007); Michigan Court of Claims (Judge James R. Giddings) (Filed June 10, 2008).

Plaintiff alleges that, while driving in Ann Arbor, a University bus failed to stop and struck her car from the rear. Ms. Kleinschmidt claims that she suffered and continues to suffer severe injuries. Plaintiff claims both the University and bus driver Williams were negligent and seeks damages, costs, attorney's fees and interest. The University was dismissed from the Washtenaw County Circuit Court case; Plaintiff has refiled against the University in the Michigan Court of Claims. The Defendants filed a motion for summary disposition based on failure to provide proper notice as required by statute. On October 15, 2008, Judge Swartz granted the motion; he also dismissed the driver of the bus who had been sued personally, finding that no reasonable jury could find that the bus driver's action constituted gross negligence and thus the only means of recovery against the driver failed.

CASE UPDATES

5. Angela Pantazatos v Regents of the University of Michigan. United States District Court, Eastern District of Michigan. (Filed September 11, 2008); re-filed Washtenaw County Circuit Court (October 28, 2008) (Judge Melinda Morris).

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 dismissed her federal case and re-filed her complaint in state court, claiming discrimination and retaliation.

6. 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' motion for Class Certification was heard before Judge Lawson, who took the matter under advisement. The parties participated in one day of facilitative mediation and plan to return for another day in December.

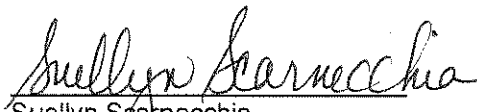
7. James Colson v University of Michigan, Kevin Tremper and Ronald Wasserman. Washtenaw County Circuit Court. (Judge Timothy R. Connors) (Filed August 24, 2007). Michigan Court of Claims. (Judge Beverley Nettles Nickerson) (Filed August 23, 2007).

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' motion for summary disposition was argued before Judge Connors, who has taken the motion under advisement.

8. Linda Charlesworth v University of Michigan and Internet2. Washtenaw County Circuit Court. (Judge David S. Swartz) (Filed April 16, 2008).

Plaintiff was employed by the University of Michigan and assigned to work at Internet2. In January 2006, plaintiff's position at Internet2 was eliminated and she was placed on RIF status; and in June 2007 plaintiff retired from the University. Ms. Charlesworth claims that she was discriminated against because of her age and disability. She seeks damages, interest, costs and attorney's fees. Plaintiff amended her complaint to add an allegation of violating the Family and Medical Leave Act as to Internet2 only.

Respectfully submitted,


Suellyn Scarnecchia
Vice President and General Counsel

November 2008

