

THE UNIVERSITY OF MICHIGAN  
REGENTS COMMUNICATION  
ITEM FOR INFORMATION

Received by the Regents  
March 18, 2010

Subject: Litigation

March 2010

**NEW CASES**

Robert Davis v University of Michigan Board of Regents. Washtenaw County Circuit Court. (Judge Donald Shelton) (Served February 22, 2010).

Plaintiff alleges that the University violated the Open Meetings Act by (1) not having available to the public a copy of the minutes of the February 3, 2010 special session of the Board of Regents; (2) failing to hold the meeting in a place that was available to the public; (3) failing to vote to go into closed session; and (4) meeting in a closed session for an unauthorized and impermissible purpose. Mr. Davis asks the court to issue a declaratory judgment declaring that the Board violated the Open Meetings Act. He also seeks an injunction, enjoining the Board from further noncompliance with the Open Meetings Act, as well as costs and attorney's fees.

Julie Amanda Rowe v The Michigan Daily, University of Michigan, Gary Graca, Jacob Smilovitz and Courtney Ratkowitz. Washtenaw County Circuit Court. (Judge Archie C. Brown) (Served February 26, 2010). Julie Amanda Rowe v The Michigan Daily and the University of Michigan. Michigan Court of Claims. (Judge William Collette) (Served February 26, 2010).

Plaintiff was a Daily News Editor at the Michigan Daily during the Winter 2009 term. She claims that she was falsely accused of plagiarism in connection with an article she wrote for the newspaper and that she subsequently resigned her position at the Daily. Plaintiff claims that the individual defendants, student editors of the Michigan Daily, wrongly accused her of plagiarism. Plaintiff also claims that University officials failed to oversee the Daily, thereby endorsing and sanctioning the wrongful treatment of the Plaintiff by the named Defendants. Plaintiff's claims include defamation, intentional infliction of emotional distress and deprivation of her due process rights. She seeks damages in excess of \$25,000, costs and interest.

**RESOLUTIONS**

Juliet Ballard v Board of Regents of the University of Michigan. Washtenaw County Circuit Court. (Judge Archie C. Brown) (Served March 6, 2009).


Plaintiff was employed as a Marketing and Communications Specialist in the Cardiovascular Center at the Health System. She claims that she learned that she was being paid significantly less than her Caucasian peers and asked her supervisor for an equity review of her salary. Ms. Ballard alleges that her supervisor began to criticize her performance and was abusive, confrontational,

harassing and inhospitable to plaintiff following that request. Plaintiff also states that she filed a formal grievance, which was not answered until January 15, 2009, two weeks after plaintiff was terminated from her employment at the University. Her allegations include a violation of the Elliott Larsen Civil Rights Act on the basis of race as well as retaliation. Settlement was reached between the parties and the case is dismissed.

**Michelle D. Popovich v Board of Regents of the University of Michigan and Suellyn Scarnecchia.**  
Michigan Court of Claims. (Judge Rosemarie E. Aquilina) (Served March 30, 2009).

Plaintiff filed a complaint against the University in November 2008, which was reported to the Regents in December 2008. Plaintiff claims that the December Regents Communication containing the report of Plaintiff's lawsuit was posted on the internet on December 18, 2008, and contained a material omission concerning the litigation against the University. Plaintiff claims that the internet posting is libelous in that it omits certain facts about the status of certain criminal proceedings in which Plaintiff was involved and that the publication of that posting has resulted in damage to Plaintiff's reputation. Plaintiff seeks judgment in excess of \$25,000 and attorney's fees. The parties reached a settlement of this matter and the case has been dismissed.

Respectfully submitted,

  
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Suellyn Scarnecchia  
Vice President and General Counsel

March 2010