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THE UNIVERSITY OF MICHIGAN
REGENTS COMMUNICATION
ITEM FOR INFORMATION

Subject: Litigation

April 2012

NEW CASES

Kay Ball v University of Michigan. United States District Court, Eastern District of Michigan. (Judge Paul D. Borman) (Filed March 12, 2012).

Plaintiff, a former employee of the University, claims that she was unjustly terminated from her employment. She alleges that she was treated differently from her male co-workers and cites violations of Title VII and the Elliott-Larsen Civil Rights Act. Ms. Ball seeks damages, costs, interest and attorney fees.

RESOLUTIONS

Catherine Wilkerson v Kevin Warner, Janet Conners, Michael Matthews, Mark West, Dean Lloyd, Dr. Robert Domeier and Huron Valley Ambulance, Inc. U.S. District Court, Eastern District of Michigan. (Judge Lawrence P. Zatkoff) (Filed November 20, 2009).

On November 30, 2006, Plaintiff, along with others, protested an invited speaker at the Michigan League. Dr. Wilkerson claims that, during the protest, she was assaulted, falsely arrested and detained by University of Michigan police officers, and that she was subsequently charged with attempted resisting and obstructing. A jury trial was held and Plaintiff was found not guilty of those charges in December 2007. Plaintiff claims that she suffered damages including loss of earnings, medical expenses, pain and suffering, and attorney's fees. Her counts include violations of First and Fourth Amendment rights, conspiracy, assault and battery, false imprisonment, and malicious prosecution. She seeks damages, attorney's fees, interest and costs. Plaintiff filed a motion to amend complaint to add a claim for conspiracy against Defendant Mathews on June 3, 2011. A Motion for Summary Judgment was filed on behalf of Defendants Mathews, West and Conners on June 17, 2011. All motions were briefed and oral argument was requested by the parties. Oral argument was denied and Judge Zatkoff ruled on the motions as briefed on March 29, 2012. Judge Zatkoff granted the defendants' motions for summary judgment and the case was dismissed, with prejudice, in its entirety.

Sylvia Scott v University of Michigan and Sonya Grant. Wayne County Circuit Court. (Judge Prentis Edwards) (Filed December 22, 2010).

Plaintiff is a former employee of the University's School of Public Health. She claims that she was discharged from her employment by her supervisor, Sonya Grant, for refusing to engage in discriminatory and wrongful conduct. Plaintiff alleges that she was retaliated against for witnessing and reporting Grant's discriminatory conduct and that the University violated the Whistleblower Protection Act by discharging her. She also claims that she was subject to a hostile work


environment and that she was harassed by Grant throughout her employment. She seeks damages, lost wages, costs, interest, attorney's fees, and reinstatement. Plaintiff agreed to dismiss with prejudice the retaliation and hostile work environment claims. The University filed a motion for summary disposition, which was granted by the judge on March 23, 2012. This case is concluded.

CASE UPDATES

Christine McCahan v Samuel Kelly Brennan and The Regents of the University of Michigan. Michigan Court of Claims. (Judge Paula J.M. Manderfield) (Served December 18, 2008). McCahan v University of Michigan and Samuel Kelly Brennan. Washtenaw County Circuit Court. (Judge Archie Brown) (Filed February 6, 2009).

Ms. McCahan claims that a University vehicle driven by a UM student (Brennan) on December 12, 2007 struck her vehicle while making an illegal left turn. She claims the collision caused serious and permanent injuries to her person and that Brennan was negligent in the operation of the vehicle. She seeks judgment against Brennan in excess of \$25,000. She also claims that the University, as the owner of the vehicle, is liable for the injuries she sustained and that the University was negligent in entrusting Brennan to operate its motor vehicle. She also seeks damages, costs, interest and attorneys' fees against the University. Plaintiff dismissed the claims against the UM student and refiled them in Washtenaw County Circuit Court. The two cases have been consolidated and will be heard by Judge Brown in Washtenaw County. On April 30, 2009, Judge Brown, sitting as a Court of Claims judge, granted the University's Motion for Summary Disposition on the grounds of failure to provide proper notice in the Court of Claims. On December 18, 2009, the Washtenaw County Circuit Court entered an order dismissing Brennan for the reason that he was not grossly negligent. Plaintiff appealed to the Michigan Court of Appeals; on February 1, 2011, the court upheld the dismissal of plaintiff's claim. On July 22, 2011, the Michigan Supreme Court ordered oral argument on Plaintiff's application for leave to appeal the Michigan Court of Appeals' upholding of the trial court's dismissal of the case. Oral argument was heard before the Supreme Court on March 11, 2012.

Respectfully submitted,


Suellen Scarnecchia
Vice President and General Counsel