

THE UNIVERSITY OF MICHIGAN
REGENTS COMMUNICATION
ITEM FOR INFORMATION

Subject: Litigation

January 2011

NEW CASES

Board of Regents of the University of Michigan v Fidelity National Title Insurance Company.
Washtenaw County Circuit Court. (Judge David S. Swartz) (Served December 20, 2010).

The University filed suit against Fidelity National Title Insurance Company ("Fidelity") to retire liens relating to the University Health System's 2008 purchase of property in Brighton, Michigan. Special assessments for road and sewer construction had been levied upon the property prior to closing; the assessments were to have been paid prior to closing under the Purchase Agreement but were not. No exceptions for the unpaid assessments were included in the final Title Policy. Demand has been made upon Fidelity under the title insurance policy but coverage has been denied.

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.

Joseph Dean Vigil v Regents of the University of Michigan, Edie Goldenberg, Christina Whitman and Anna Kirkland. United States District Court, Eastern District of Michigan. (Judge Patrick J. Duggan) (Served January 3, 2011).

Mr. Vigil is a former Ph.D. candidate in Political Science. He states that he was removed from the program for allegedly not defending his dissertation within six years of becoming a candidate. His allegations include violations of the First Amendment right to free speech, due process, breach of contract, defamation, and discrimination based on his race and ethnicity. Plaintiff seeks damages, interest, costs, attorney fees, and reinstatement to Rackham.

LaJuana Crawford v Michael Rosano and Regents of the University of Michigan. Washtenaw County Circuit Court. (Served January 4, 2011).

Plaintiff was a passenger on a University of Michigan bus, which was struck by a car driven by Michael Rosano. Plaintiff claims that Rosano was negligent in his operation of the vehicle and that Crawford's injuries are a result of the accident. Crawford also alleges that the University, as the

owner of the bus, has not paid all of the Personal Protection Benefits to which Plaintiff is entitled. Plaintiff seeks payment of the benefits, interest, costs and attorney fees.

RESOLUTIONS

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 re-filed 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. Kleinschmidt filed a claim of appeal to the Michigan Court of Appeals. On December 21, 2010, the Court of Appeals upheld the trial court's dismissal of the claims against the University and against our bus driver, Williams.

Stanley Williams v University of Michigan. Washtenaw County Circuit Court. (Judge Melinda Morris) (Filed April 24, 2008).

Plaintiff worked as an Anesthesia Technician at Mott Hospital. In July 2006, Mr. Williams was placed on a medical leave of absence; he was released by his physician to return to work in February 2007, with restrictions. Plaintiff claims that the University failed to reinstate him to a position that was compatible with his restrictions until August 2007. His allegations include disability discrimination, retaliation and retaliatory harassment by his supervisor. He seeks damages, interest, costs and attorney's fees. The University's motion for summary disposition was granted by Judge Morris and the case was dismissed. Plaintiff filed a claim of appeal to the Michigan Court of Appeals. On December 16, 2010, the Court of Appeals affirmed the trial court's dismissal of the lawsuit.

CASE UPDATES


Carlos Prieskorn v University of Michigan Health System, Bernard Hoeyack, Jr., Diane Rembert, Reshunda Triplet and Madia Bryant-Johnson. Washtenaw County Circuit Court. (Judge Archie G. Brown) (Served December 22, 2008).

Plaintiff is a former employee of the Department of Pathology in the Health System. He claims that he complained to his supervisor about safety violations that he alleged were occurring in his department and that, following his complaints, he was harassed and threatened by co-workers Rembert, Triplet and Bryant-Johnson. Plaintiff also alleges that his supervisor Hoeyack terminated his employment in violation of the Michigan Whistleblowers' Protection Act. Plaintiff seeks damages, lost wages, interest, costs and attorney's fees as well as reinstatement to his previous position. Defendants filed a motion for summary disposition, which was granted by Judge Brown on May 14, 2010 and the case was dismissed. The judge also awarded legal fees and costs to the University. Plaintiff filed an appeal to the Michigan Court of Appeals.

Mohammed Nawwas and Mysa Nawwas v Regents and Steven L. Sinelli. Washtenaw County Circuit Court. (Judge David S. Swartz) (Filed April 2, 2008).

Plaintiff Mohammed Nawwas purchased a piece of equipment from the University's Property Disposition Office. On January 4, 2007, plaintiff claims that an employee of the Property Disposition Office, at the direction of supervisor Steven Sinelli, was operating a hi-lo vehicle in order to load the equipment onto Plaintiff's truck when the equipment fell off the hi-lo vehicle and injured Plaintiff's arm. Plaintiff alleges that Sinelli's conduct was negligent and that, as a result, Plaintiff Mohammed Nawwas was severely injured. Plaintiffs seek damages in excess of \$25,000, as well as attorney's fees, costs and interest. On May 6, 2009, Judge Swartz granted the Defendants' motions for summary disposition, holding that operation of Property Disposition was not a proprietary function and therefore the University had governmental immunity. Judge Swartz also ruled that Defendant Sinelli's actions were not gross negligence. Plaintiffs appealed the case to the Michigan Court of Appeals. On October 26, 2010, the Court of Appeals affirmed the trial court's dismissal of both the claim against the University and the claim against our employee, Steve Sinelli. Plaintiff filed an application to the Michigan Supreme Court for review of the Court of Appeal's decision.

Respectfully submitted,


Suellyn Scarnecchia
Vice President and General Counsel