

THE UNIVERSITY OF MICHIGAN  
REGENTS COMMUNICATION  
ITEM FOR INFORMATION

Subject: Litigation

February 2022

NEW CASES

**Taja Willis v The County of Wayne and its Subdivision Wayne County Medical Examiner, John Doe Medical Examiner Clora Funeral Homes.** Wayne County Circuit Court. (Judge Dana Hathaway) (Served November 22, 2021)

Plaintiff's father passed away in a group home. Plaintiff alleges that the Wayne County Medical Examiner intentionally and/or negligently delayed picking up the body from the shelter, causing the body to expedite the natural decomposition process. Plaintiff's three-count complaint includes allegations of gross negligence, and intentional and negligent infliction of emotional distress. Plaintiff seeks an amount in excess of \$25,000, including interest, costs, and attorney's fees.

**John Taylor v University of Michigan/CS Mott Hospital, Ashleigh Isaacs, Diane Knibbs and Jamie Thor.** United States District Court, Eastern District of Michigan. (Judge Denise Page Hood) (Served December 7, 2021)

Plaintiff alleges that he was repeatedly subjected to various forms of harassment and disparate treatment by Defendant Thor. Plaintiff's three-count complaint alleges race discrimination and intentional infliction of emotional distress. Plaintiff seeks compensatory and punitive damages, front pay, expungement of his personnel file, and attorney's fees.

**Paul Hinz v Board of Regents of the University of Michigan.** Court of Claims. (Judge Cynthia Stephens) (Served January 19, 2022)

Plaintiff filed a one-count complaint alleging the University of Michigan was negligent after he slipped in the bathtub at the Med Inn Hotel and sustained injuries. Plaintiff seeks an amount in excess of \$25,000 in addition to costs, interest, and attorney's fees.

**John Doe, M.D. v. The Board of Regents of the University of Michigan, Marie Lozon, M.D., and Justin Dimick, M.D., Individually.** United States District Court, Eastern District of Michigan (Judge Gershwin Drain) (Filed December 29, 2022)

Plaintiff filed a six-count complaint after he received notice from Defendants of an intent to suspend his clinical privileges indefinitely and report this suspension to the National Practitioner Data Bank ("NPDB") and the State of Michigan Board of Medicine. Plaintiff's allegations include violations of due process, breach of contract, breach of fiduciary and public duties, intentional infliction of emotional distress, and retaliation. Plaintiff seeks injunctive and equitable relief, compensatory, exemplary and punitive damages and asks that his clinical privileges be restored, his board certification renewed, and his name renewed with the NPDB. Plaintiff also seeks interest, costs, and expert witness and attorney's fees.

**Jane Doe v University of Michigan, David Baum, Elizabeth Seney, Margaret Gyteko and Chung Owyang.** United States District Court, Eastern District of Michigan. (Judge Robert Cleland) (Filed January 25, 2022)

Plaintiff alleges defendants failed to conduct an investigation of her Title IX report despite allegations of sexual assault and harassment. Her three-count complaint alleges violations of Title IX and negligence. Plaintiff seeks injunctive relief, compensatory and punitive damages, costs, and attorney's fees.

**Isabelle Brouman v The University of Michigan, a state public body.** Court of Claims. (Judge Elizabeth Gleicher) (Filed December 27, 2022)

Plaintiff claims she has been denied access to responsive records in her Freedom of Information Act (“FOIA”) request. Plaintiff’s three-count complaint seeks a declaratory judgment, injunctive relief, and cost and fees. Plaintiff asks the Court to order Defendant to produce the requested records described in Plaintiff’s requests and award punitive damages, costs and attorney’s fees

### **CASE UPDATES**

**Constance Esposito v The Board of Regents of the University of Michigan.** Court of Claims. (Served March 9, 2021) (Judge Cynthia Stephens) and Washtenaw County Circuit Court. (Judge Carol Kuhnke) (Filed January 25, 2021)

Plaintiff, formerly the Assistant Director of Core Operations at Michigan Medicine-Biomedical Research Core Facilities, now has two lawsuits pending concurrently in two different courts alleging age discrimination after her position was eliminated in 2019. Plaintiff seeks front and back pay, exemplary damages, interest costs, and attorney’s fees. In the Washtenaw County Circuit Court case, the parties stipulated that all claims for declaratory and/or equitable relief be dismissed without prejudice and to stay proceedings in this case until after Plaintiff’s case in the Court of Claims is adjudicated. In the Court of Claims case, Defendant filed a motion for summary disposition on April 16, 2021 that was denied on October 5, 2021.

**Lana Tyrrell v. University of Michigan, Teri Grieb, Valerie Hill, Melissa Dyson, Jessica Durkin, and Carrie Peterson.** Washtenaw County Circuit Court. (Judge Carol Kuhnke) (Filed August 1, 2018)

Plaintiff is a former employee of the University’s Unit for Laboratory Animal Medicine (“ULAM”) who claims she was terminated due to her alleged disability. Plaintiff’s two-count complaint includes claims for violations of the PWDCRA and retaliation. Plaintiff seeks in excess of \$25,000, interest, costs, and attorney’s fees. Defendants filed a motion for summary disposition that was denied on May 2, 2019. On May 21, 2019, Defendants filed a claim of appeal. On December 22, 2020, the Court of Appeals affirmed the denial of the University’s motion for summary disposition and remanded back to circuit court for further proceedings. On March 10, 2021, Defendants-Appellants filed an Application for Leave to Appeal in the Michigan Supreme Court. On January 17, 2022, Defendant University of Michigan filed a Notice of Transfer to the Court of Claims as to Plaintiff’s demands for declaratory and/or equitable relief and stays the Washtenaw County Circuit Court case as to all matters for which a jury trial has been requested until final judgment on Plaintiff’s equitable and declaratory claims.

### **CASE RESOLUTIONS**

**Maria Kenesey v University of Michigan.** Washtenaw County Circuit Court. (Judge Patrick J. Conlin, Jr.) (Served May 18, 2021)

Plaintiff, a former graduate student at the University, filed a two-count complaint alleging she was inappropriately denied in-state tuition and, as a result, has an outstanding balance due that has delayed her receiving her diploma and transcripts. Plaintiff asked the Court to determine that she was a Michigan resident, is entitled to in-state tuition, and is not obliged to make any further tuition payments. Plaintiff sought an amount of \$3,708.80 from Defendant, a mandatory injunction ordering the University to release her diploma and transcripts, together with costs and attorney’s fees. On September 29, 2021, defendant filed a motion for summary disposition that was granted with prejudice.

**Liu Honggang and Guo Qian v Shanghai Jiao Tong University and The University of Michigan.** People's Court of Minhang District, Shanghai, People's Republic of China. (Filed September 3, 2021)

Plaintiffs filed a lawsuit against Shanghai Jiao Tong University ("SJTU") and the University of Michigan as a result of the death of their child Liu Peijia, who fell from a balcony at STJU. Plaintiffs withdrew the Complaint against Defendant University of Michigan.

**Wyntiss Hall v. Hurley Medical Center, University of Michigan, U-M Board of Regents, and Michael Roebuck, individually.** Genesee County Circuit Court. (Judge Brian S. Pickell) (Served July 22, 2021)

Plaintiff filed a four-count complaint alleging race and sex discrimination, retaliation, breach of express contract, and promissory estoppel after his employment was reduced to part-time. Plaintiff sought an amount in excess of \$100,000, together with interest, costs, and attorney's fees. On August 10, 2021, Defendants filed a notice of transfer to the Court of Claims. On August 24, 2021, Plaintiff filed a motion to transfer the case back to the Genesee Circuit Court. On November 22, 2021 the parties stipulated to the dismissal of the Court of Claims case. On November 29, 2021, the parties stipulated to the dismissal of the University and U-M Board of Regents.

Respectfully submitted,



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Vice President and General Counsel

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