

THE UNIVERSITY OF MICHIGAN
REGENTS COMMUNICATION
ITEM FOR INFORMATION

Subject: Litigation

March 2012

NEW CASES

There are no new cases this month.

RESOLUTIONS

Donald E. Pines v Board of Regents of the University of Michigan. United States District Court, Eastern District of Michigan. (Judge Avern Cohn) (Served March 18, 2011).

Mr. Pines worked as a billing clerk at the University Hospital. He alleges that, after he complained to management that he was being sexually harassed by a co-worker, he was harassed, disciplined, placed on an unpaid medical leave, terminated and denied subsequent positions for which he applied. Plaintiff alleges that his employer perceived that he has a disability in violation of the Americans with Disabilities Act and the Michigan Persons with Disabilities Civil Rights Act. Plaintiff also claims that he was retaliated against because of his complaints of sexual harassment in violation of the Michigan Elliott-Larsen Civil Rights Act. He seeks judgment in excess of \$75,000 plus interest, damages, costs and attorneys' fees. The University filed a motion for summary judgment; on February 6, 2012, Judge Cohn granted the motion and the case is dismissed.

Peter Granneman v Kevin Lamarr Massey and the Regents of the University of Michigan. Michigan Court of Claims. (Judge Joyce Draganchuk) (Filed August 24, 2011).

Plaintiff filed this lawsuit against the University and Kevin Massey, a University bus driver. Mr. Granneman claims that, on September 8, 2008, he was riding a bicycle when he was struck by a University bus driven by Mr. Massey. Plaintiff alleges that, as a result of the accident, he suffered serious injuries. He seeks judgment in excess of \$25,000, including interest, costs and attorney fees. On February 29, 2012, Judge Draganchuk granted the University's motion to dismiss based on failure to provide notice as required by the Court of Claims Act. The case against the driver, Massey, was also dismissed and this case should be concluded.

CASE UPDATES

The Authors Guild, Inc., et. al. v HathiTrust, Regents of The University of Michigan, et al.. United States District Court, Southern District of New York. (Judge Harold Baer) (Served October 14, 2011)

Plaintiffs claim Defendants are violating, or will violate, Plaintiffs' alleged copyrights through Defendants' efforts to: digitize the works in their libraries, create a shared repository through the HathiTrust, and participate in the HathiTrust's Orphan Works Project. Plaintiffs seek injunctive and declaratory relief as well as attorneys' fees and costs. The University, along with its co-defendants, filed a motion for judgment on the pleadings. The motion addresses some, but not all, of the allegations against the University in the case.

Aiman Farhoud and Souhar Farhoud v Darice Rosario. Washtenaw County Circuit Court. (Judge Timothy P. Connors) (Filed August 1, 2011).

Plaintiff Aiman Farhoud is a patient care technician at the University of Michigan Hospital. Defendant Darice Rosario is a nurse co-worker. Plaintiff Farhoud alleges that Defendant made false accusations against him when she told her supervisors that Farhoud advised a co-worker "go do this procedure before I kill somebody." Plaintiff alleges that Rosario's accusations resulted in his being subjected to investigation by UMH security personnel (after which he was cleared of any wrongdoing) as well as suffering embarrassment, humiliation, mortification, depression, sleeplessness, anxiety, missed time from work, damage to his reputation in the workplace and his community, and lost wages and benefits. Plaintiff Souhar Farhoud (Aiman's wife) claims damage to her reputation in the community, emotional distress, humiliation, mortification, embarrassment, sleeplessness, and anxiety. Plaintiffs seek judgment in excess of \$25,000 plus costs, interest, and reasonable attorney fees. The University filed a motion to dismiss the defamation and emotional distress claims. On October 27, 2011 Judge Connors dismissed the defamation claim but adjourned a ruling on the emotional distress claim. Judge Connors also granted Plaintiff's motion to amend the complaint to add the intentional interference of an advantageous relationship claim. At a December 15, 2011 hearing, Judge Connors granted the Defendant's motion to dismiss the case in its entirety with prejudice. Plaintiff filed a claim of appeal to the Michigan Court of Appeals on February 10, 2012.

Respectfully submitted,


Suellyn Scarnecchia
Vice President and General Counsel