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Regents
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THE UNIVERSITY OF MICHIGAN
REGENTS COMMUNICATION
ITEM FOR INFORMATION

Subject: Litigation

March 2015

NEW CASES

Gale Glover v University of Michigan – Flint. United States District Court, Eastern District of Michigan (Judge Marianne O. Battani) (Served February 12, 2015)

Plaintiff is currently an Administrative Assistant Intermediate in the College of Arts and Sciences at the University of Michigan-Flint. Plaintiff alleges that when she was a temporary Student Services Assistant for the University of Michigan-Flint Admissions Office, she suffered harassment and race discrimination. Plaintiff's claims include harassment, oppression, and emotional distress.

Donna Pitts v. University of Michigan – Dearborn. 19th District Court (Dearborn) (Judge William C. Hulgren) (Served December 12, 2014)

Plaintiff claimed she was injured in a UM-Dearborn bathroom when someone opened the door that hit her in the face. She claimed that UM's placement of the trashcan in the bathroom was responsible for her neck and back pain, and memory loss. Plaintiff sought in excess of \$25,000. This case was dismissed for lack of subject matter jurisdiction on February 11, 2015.

Trace Novoson Winn v. Cynthia H. Cherre-Kahn, individually and as Co-Successor Trustee of the Michael J. Novoson Fifth Restated and Amended Revocable Trust Agreement; and Neil Packman, Individually and as Co-Successor Trustee of the Michael J. Novoson Fifth Restated and Amended Revocable Trust Agreement; Marc Novoson; University of Michigan; Milord Fredrick; Tiffany M. Llera-Lora; Johanne Gray; Dana Novoson; Stephen H. Kahn; Madison Winn; Mitchell Novoson; Mason Novoson; Paola Novoson. Miami-Dade County, Florida, Circuit Court

The University it has received distributions as a 3.94242% beneficiary from the Michael J. Novoson Fifth Restated and Amended Revocable Trust Agreement. The Plaintiff has requested that the Court order those distributions be returned to the Trust until resolution of the case. The University filed its correct address with the Court to remain apprised of the filings, but otherwise will not file an additional appearance at this time, because it is also a 4% beneficiary under the Second Amendment, the document asserted by the Plaintiff to be the controlling document.

CASE UPDATES

Bin Kang, Ph.D. v. The Regents of the University of Michigan. Washtenaw County Circuit Court (Judge Carol Kuhnke) (Filed May 14, 2013)

Plaintiff, a former postdoctoral fellow at the University's Department of Biology (now known as the Department of Molecular, Cellular and Developmental Biology), alleged that the University failed to credit him on various research publications. His four-count complaint included claims for breach of contract, fraud, misrepresentation, and retaliation. Plaintiff sought compensatory damages. Defendant filed a motion for summary disposition on July 16, 2013, that was granted by Judge Kuhnke on August 28, 2013. On September 18, 2013, Plaintiff filed an appeal to the Sixth Circuit Court of Appeals that was dismissed for lack of prosecution. Plaintiff requested his appeal be reinstated. This request was granted on September 8, 2014. On January 22, 2015, the Michigan Court of Appeals affirmed the trial court's ruling granting defendant's motion for summary disposition. On February 9, 2015, Plaintiff/Appellant filed a motion for reconsideration.

Jesse R. Enjaian v University of Michigan President Mark S. Schlissel, Bernard C. Mundt II, Jose A. Dorta, and Renee J.S. Schomp. United States District Court, Eastern District of Michigan (Judge Linda V. Parker) (Filed August 25, 2014)

Plaintiff alleges that pursuant to an unlawful search warrant, the University of Michigan Police Department Officers seized his electronic equipment from his residence in connection with an alleged charge of criminal stalking, and did not return the property for 446 days. Plaintiff further claims that defendant Schomp made false allegations about him to University officials. Plaintiff's Complaint includes claims of violations of the U.S. Constitution, Michigan Constitution, and defamation. Plaintiff asks the Court to order defendants Schlissel, Mundt, and Dorta to destroy all copies of evidence seized from their search and seizure of his property. Plaintiff further seeks actual, nominal, and punitive damages, costs, and attorney's fees. On December 16, 2014, the parties stipulated to dismissal of Counts V through VII (computer fraud, intentional infliction of emotional distress, and defamation); all claims for relief against President Schlissel; all claims alleging a violation of the Michigan Constitution; and all constitutional claims arising from Defendant Dorta's search and seizure of non-cryptographic data. On February 6, 2015, defendants filed a motion for judgment on the pleadings and summary judgment.

CASE RESOLUTIONS

Kenneth J. Bogos and Lisa Taylor-Bogos, Husband and Wife, and John J. Bogos, Individually v Clayton J. Spore and The Regents of the University of Michigan, a Non-Profit Corporation, Jointly and Severally. Livingston County Circuit Court (Judge Michael Hatty) (Filed February 21, 2013).

Plaintiffs claimed that, on October 28, 2011, they were in a motor vehicle stopped for traffic in Livingston County, when Defendant Spore, while allegedly operating a motor vehicle owned by defendant University, rear-ended Plaintiffs at a high rate of speed. Plaintiffs asserted that, as a result of the alleged collision, they sustained serious physical, mental, and emotional injuries. Plaintiffs brought claims for negligence, owner's liability, and respondeat superior, and sought an amount in excess of \$25,000, together with costs, interest, and attorney's fees. In April 2013, the parties stipulated to the dismissal of defendant, Regents of the University of Michigan. On September 10, 2013, defendant Spore filed a motion for summary disposition that was denied by Judge Hatty on October 17, 2013. Defendant Spore subsequently filed an appeal to the Michigan Court of Appeals on November 1, 2013. On February 17, 2015, the Michigan Court of Appeals reversed and remanded for entry of summary disposition in favor of defendant Spore.

Respectfully submitted,



Timothy G. Lynch
Vice President & General Counsel

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