

THE UNIVERSITY OF MICHIGAN
REGENTS COMMUNICATION
ITEM FOR INFORMATION

Subject: Litigation

March 2016

NEW CASES

Ruth Foti v The Board of Regents of the University of Michigan d/b/a University of Michigan Health System.
Court of Claims (Judge Mark Boonstra) (Served February 17, 2016)

Plaintiff alleges that Defendant failed to properly inspect, repair, and otherwise maintain the automatic door equipment at the Kellogg Eye Center building in a safe manner, causing her to fall to the ground and sustain severe injuries as she was attempting to enter the building. Plaintiff's claims include negligence, premises liability, and nuisance, and she seeks an amount in excess of \$25,000, together with costs, interest, and attorney's fees.

In re Estate of Christian Schroeder, Deceased. (Probate case) Christina Schroeder, Petitioner v. T. Brent Jenkins, as Personal Representative of the Estate of Christian F. Schroeder, Sara Schmidt, Irina Geidel, as custodial parent of Anastasia Geidel, Daytona Twin Tec, LLC, Daytona Sensors, LLC, and the University of Michigan College of Engineering. (Seventh Judicial Circuit, in and for Volusia County, Florida) AND In re Estate of Christian Schroeder, Deceased. (Wrongful Death case) Christina Schroeder, Individual and as Personal Representative of the Estate of Garrent Schroeder, Plaintiff v. T. Brent Jenkins, as Personal Representative of the Estate of Christian F. Schroeder, Sara Schmidt, Irina Geidel, as custodial parent of Anastasia Geidel, Daytona Twin Tec, LLC, Daytona Sensors, LLC, and the University of Michigan College of Engineering. (Seventh Judicial Circuit, in and for Volusia County, Florida)

As a result of decedent Christian Schroeder's son's death, the University's College of Engineering is to receive 70% of the Estate. The decedent's ex-wife (mother of son) is suing decedent's estate in the probate court, stating that the decedent prevented his son from taking his share of the estate because the decedent's treatment of the son led him to commit suicide. Decedent's ex-wife has also filed a wrongful death claim against the decedent's estate, again stating that the father's treatment of the son resulted in his suicide.

CASE UPDATES

Alfonso Ignacio Viggers v Board of Regents of the University of Michigan, and Doe Defendants. United States District Court, Eastern District of Michigan (Judge Avern Cohn) (Served January 29, 2016)

Plaintiff alleges that he was an employee of Alpac, Inc., and was assigned to perform work at the University Plant Operations IT Department between approximately 2007 and 2015. In 2014, the University posted an opening for a full-time University employee to perform Plaintiff's job duties. Plaintiff was offered the position contingent on obtaining a visa and a successful background check. Plaintiff further alleges that the University improperly reprimanded him, delayed processing his visa, and ultimately withdrew the job offer due to Plaintiff's exercise of his free speech rights, and based upon defamatory statements from his stepmother and current employer. Plaintiff alleges violations of the First Amendment, due process, breach of contract, the Fair Credit Reporting Act, contempt of court, conspiracy, tortious furtherance of malicious intent, and sabotage of Plaintiff's immigration process. On February 19, 2016, Defendants filed a motion to dismiss.

Lorie Biggs and Jamie Mercurio v The University of Michigan and University of Michigan Board of Regents. United States District Court, Eastern District of Michigan (Judge George Caram Steeh) (Filed January 13, 2015)

Plaintiff Jamie Mercurio alleges that she was disciplined after she complained of sexual harassment by a male coworker. Plaintiff Lorie Biggs alleges that she was terminated after she complained of sexual harassment by the same male coworker, and also claims she was denied a reasonable accommodation for a disability. Plaintiffs' claims include violations of Title VII for sexual harassment and retaliation; failure to accommodate in violation of the Americans with Disabilities Act; and violation of the Elliott-Larsen Civil Rights Act. Plaintiffs seek economic, emotional, and punitive damages, together with costs and attorney's fees. Defendants filed a motion for summary judgement that was granted and denied in part.

CASE RESOLUTIONS

Senta Reyes v University of Michigan, Dr. Merle Jarda, Dr. Patricia Bauer, and Dr. Marilyn Woolfolk. Washtenaw County Circuit Court. (Judge Archie C. Brown) (Filed January 25, 2012); AND **Senta Reyes v University of Michigan, Dr. Merle Jaarda, Dr. Patricia Bauer and Dr. Marilyn Woolfolk.** Michigan Court of Claims. (Judge Paula J.M. Manderfield) (Filed March 26, 2012).

Plaintiff was a Dental School student who was dismissed for unsatisfactory academic progress while she was attempting to complete the remediation of her second year as a condition of continued enrollment after she had been previously dismissed for unsatisfactory academic progress. Plaintiff alleged deprivation of her rights to free speech, due process, and equal protection under the U.S. and Michigan Constitutions; racial discrimination, promissory estoppel/detrimental reliance, and breach of contract. Plaintiff claimed she suffered economic damages (including future lost wages and earning capacity), embarrassment, humiliation, outrage, anxiety, mental anguish, and mental and emotional distress. She sought damages in excess of \$75,000, plus costs, interest, and attorney's fees. Defendants filed a motion for summary disposition that was granted on October 2, 2014, with prejudice. On October 16, 2014, Plaintiff filed an appeal to the Michigan Court of Appeals that was denied.

John Joseph v University of Michigan-Flint. Genesee County Circuit Court. (Judge Geoffrey L. Neithercut) (Served July 8, 2014)

Plaintiff alleged that he applied for two Police Officer positions and participated in the application process but was not hired on account of age and race discrimination. Plaintiff sought damages exceeding \$25,000, plus costs, and interest. Settlement has been reached between the parties. This case is concluded.

In the Matter of the Rita L. Willis Living Trust. Tulsa County (Oklahoma) District Court.

The University, along with numerous other charities named in this Trust, filed a petition to receive an immediate, terminating distribution of the Willis Trust assets. Shortly before her death, Ms. Willis executed a third amendment to the Trust document, which provides distribution to the University, and the other charities of Trust principal, with no mention of a 20-year waiting period as required by a second amendment to the Trust. Co-trustees of the Trust filed a counterclaim and argue that the 20-year term was omitted from the third amendment as a scrivener's error. Settlement has been reached between the parties. This matter is concluded.

In the Matter of Brian J. Nettleman Revocable Trust Agreement, May 28, 2010. Superior Court of California, County of Santa Clara

The University filed a Petition for an accounting to determine whether there are sufficient trust assets to pay the \$50,000 specific bequest to the School of Dentistry. Settlement has been reached between the parties. This matter is concluded.

Motor City Pawn Brokers v University of Michigan Police Department. Court of Claims (Judge Stephen Borrello) (Filed December 23, 2015)

Plaintiff, Motor City Pawn Brokers, Inc., filed a complaint against the University of Michigan Police Department (UMPD) seeking damages in the amount of \$375.00 as reimbursement for an Apple laptop that he claimed UMPD recovered from Plaintiff, and returned to the alleged owner. Plaintiff also sought costs for filing this action. In essence, Plaintiff is a pawn broker who claims that he should have been able to keep stolen property. Defendant filed a motion for summary disposition that was granted.

Respectfully submitted,



Timothy G. Lynch
Vice President & General Counsel

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