

THE UNIVERSITY OF MICHIGAN
REGENTS COMMUNICATION
ITEM FOR INFORMATION

EXH	MOTION
	SECOND
	APPROVED BY THE REGENTS
NOTE:	APR 21 2005
	April 2005

Subject: Litigation

I. NEW CASES

1. Barbara Kohl v University of Michigan Medical Center. Washtenaw County Circuit Court. (Judge Timothy Connors) (Filed March 18, 2005).

Plaintiff is a former employee who became disabled in 2002. She is enrolled in and receiving benefits under the University's long term disability program. Plaintiff claims that she is entitled to more benefits than what she is receiving. She seeks judgment in excess of \$25,000, together with costs, interest and attorney's fees.

2. Sandra Fernandez v Board of Regents of the University of Michigan. Washtenaw County Circuit Court. (Judge Timothy Connors) (Filed March 17, 2005).

This complaint was filed by a former medical school student. She claims that, while in medical school, she was diagnosed with a medical condition that required her to request accommodations for test taking, which the University provided. Ultimately, however, Ms. Fernandez was dismissed from medical school because of failing grades. She alleges that the University failed to properly accommodate her. She also claims that she was treated differently because of her national origin. Plaintiff seeks judgment against the University, damages, reinstatement, costs, interest and attorney fees.

II. RESOLUTIONS

3. Pinaki Mazumder v University of Michigan, College of Engineering, Stephen Director, Richard Brown and Promod Khargonekar. Washtenaw County Circuit Court. (Judge Donald E. Shelton) (Filed April 8, 2003). Removed to U.S. District Court, Eastern District of Michigan. (Judge Paul D. Borman).

Plaintiff is a tenured professor in the College of Engineering. In his 414-paragraph complaint, Professor Mazumder alleges that he has been mistreated and discriminated against by the University and members of the University academic community based on his country of origin (Indian), religion, ethnicity, ancestry and caste (Kayastha). He seeks monetary damages, interest and attorneys' fees. The University removed the case to the United States District Court; it was assigned to Judge Borman. The University filed a motion for partial summary disposition, seeking dismissal of the claims filed against defendant Khargonekar; the motion was granted. The University filed a motion for summary disposition of the case in its entirety, which is scheduled to be heard on February 28, 2005. Plaintiff stipulated to a dismissal of his claims for damages pursuant to FOIA. On March 28, 2005, Judge Borman issued his opinion, dismissing all of Plaintiff's claims in their entirety.

III. CASE UPDATES

4. Syrah Imtiaz v Board of Regents of the University of Michigan. Michigan Court of Claims. (Judge Thomas Brown) (Served May 15, 2002). Washtenaw County Circuit Court. (Judge Timothy Connor).

Plaintiff is a student at the Dental School. She claims she was falsely accused of stealing another student's work and denied her due process rights during the Honor Council hearings. Ms. Imtiaz claims that her education at the Dental School is a Constitutionally-protected property right and that the University has violated such rights. She also alleges discriminated based on her national origin (Pakistan) and defamation. She seeks equitable relief, costs, interest and attorney's fees. Plaintiff filed a motion for a preliminary injunction, asking that the University be ordered to let her continue in school until her case is over. Judge Connor denied that motion and the plaintiff filed an emergency appeal to the Michigan Court of Appeals. The University filed a motion for summary disposition and the judge dismissed almost all of plaintiff's allegations, except for the battery charge. Plaintiff agreed to drop the battery charge in this case; the only action pending is Plaintiff's appeal to the Michigan Court of Appeals. Oral argument is scheduled for May 20, 2005.

Respectfully submitted,



Marvin Krislov
Vice President and General Counsel

March 2005