

THE UNIVERSITY OF MICHIGAN
REGENTS COMMUNICATION
ITEM FOR INFORMATION

Subject: Litigation

May 2010

NEW CASES

Mary H. Wagner v Board of Regents of the University of Michigan. Genesee County Circuit Court.
(Judge Richard B. Yuille) (Filed April 16, 2010).

Plaintiff was an Assistant Professor of Music on the Flint Campus. Professor Wagner claims that her application for tenure was denied based on gender discrimination. She alleges that the members of the Executive Committee of the College of Arts & Sciences as well as Dean D.J. Trela harbored bias against women faculty who exercised their rights to bear children and take Modified Duties Leave. She also claims that similarly situated male tenure track candidates were treated differently. Professor Wagner claims gender discrimination in violation of the Elliott-Larson Civil Rights Act and seeks damages for emotional distress, economic losses, attorney's fees and costs. She also seeks reinstatement and tenure.

RESOLUTIONS

Robert Davis v University of Michigan Board of Regents. Washtenaw County Circuit Court.
(Judge Donald Shelton) (Served February 22, 2010).


Plaintiff alleges that the University violated the Open Meetings Act by (1) not having available to the public a copy of the minutes of the February 3, 2010 special session of the Board of Regents; (2) failing to hold the meeting in a place that was available to the public; (3) failing to vote to go into closed session; and (4) meeting in a closed session for an unauthorized and impermissible purpose. Mr. Davis asks the court to issue a declaratory judgment declaring that the Board violated the Open Meetings Act. He also seeks an injunction, enjoining the Board from further noncompliance with the Open Meetings Act, as well as costs and attorney's fees. Settlement was reached between the parties and the case has been dismissed.

Mary Lee v Regents of the University of Michigan and Wayne State University, et al. Wayne County Circuit Court. (Judge Wendy M. Baxter) (Filed September 8, 2008).

Plaintiff is a former student at the Dearborn campus who was expelled from campus for violations of the Code of Student Conduct. She filed a previous lawsuit in 2006 in which she claimed that the University's hearing board and code appeals council decisions were improper, that the University breached its contract with her as a student, and that Dr. Simpson's denial to reconvene the code appeals council violated her due process rights. That lawsuit was dismissed and the dismissal was affirmed by both the Sixth Circuit Court of Appeals with regard to her federal claims and the Michigan Court of Appeals with regard to her state law claims. Plaintiff's claims against the University in the current lawsuit filed in Wayne County Circuit Court mirror the complaints made in

the prior one. She seeks damages of \$2 million. Notice was received from Wayne County Circuit Court that the case was dismissed for non-service.

Respectfully submitted,



Suellen Scarnecchia
Vice President and General Counsel

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