

THE UNIVERSITY OF MICHIGAN
REGENTS COMMUNICATION
ITEM FOR INFORMATION

Subject: Litigation

May 2012

NEW CASES

Yaron Eliav v University of Michigan. Michigan Court of Claims. (Judge Rosemarie E. Aquilina)
(Filed April 4, 2012).

Plaintiff is a faculty member in the College of LS&A, Department of Near Eastern Studies. His complaint states that, following two misdemeanor charges, Plaintiff entered into an agreement with the College and accepted the sanctions listed in that agreement. Plaintiff claims that those sanctions did not include removal of his membership in the Jean and Samuel Frankel Center for Judaic Studies, which was done in March 2009, allegedly without his knowledge. Plaintiff alleges breach of contract and due process violations, and seeks damages, costs, interest and attorney's fees.

RESOLUTIONS

There were no resolutions this month.

CASE UPDATES

Catherine Wilkerson v Kevin Warner, Janet Conners, Michael Matthews, Mark West, Dean Lloyd, Dr. Robert Domeier and Huron Valley Ambulance, Inc. U.S. District Court, Eastern District of Michigan. (Judge Lawrence P. Zatkoff) (Filed November 20, 2009).

On November 30, 2006, Plaintiff, along with others, protested an invited speaker at the Michigan League. Dr. Wilkerson claims that, during the protest, she was assaulted, falsely arrested and detained by University of Michigan police officers, and that she was subsequently charged with attempted resisting and obstructing. A jury trial was held and Plaintiff was found not guilty of those charges in December 2007. Plaintiff claims that she suffered damages including loss of earnings, medical expenses, pain and suffering, and attorney's fees. Her counts include violations of First and Fourth Amendment rights, conspiracy, assault and battery, false imprisonment, and malicious prosecution. She seeks damages, attorney's fees, interest and costs. Plaintiff filed a motion to amend complaint to add a claim for conspiracy against Defendant Mathews on June 3, 2011. A Motion for Summary Judgment was filed on behalf of Defendants Mathews, West and Conners on June 17, 2011. All motions were briefed and oral argument was requested by the parties. Oral argument was denied and Judge Zatkoff ruled on the motions as briefed on March 29, 2012. Judge Zatkoff granted the defendants' motions for summary judgment and the case was dismissed, with prejudice, in its entirety. Plaintiff filed an appeal to the Sixth Circuit Court of Appeals.

Alex A. Lemerand v Kevin Sheldon Hartman. Washtenaw County Circuit Court. (Judge Timothy Connors) (Filed May 29, 2009); Alex Lemerand v Regents of the University of Michigan. Michigan Court of Claims. (Filed June 1, 2009).

Plaintiff claims that on June 19, 2006, he was driving in Ann Arbor when his vehicle was struck from the rear by a University of Michigan vehicle driven by UM employee Kevin Hartman. Mr. Lemerand alleges that Mr. Hartman was negligent by driving at an excessive rate of speed, was unable to stop, and failed to drive with due care and caution, among other violations of the Motor Vehicle Code of the State of Michigan. Plaintiff claims that, as a result of the accident, he has suffered serious and permanent injuries and disfigurements. He seeks damages, costs, attorney's fees and interest. Plaintiff filed a companion case in the Michigan Court of Claims against the University of Michigan, which was consolidated with the Washtenaw County case pending before Judge Connors. On May 27, 2010, Judge Connors granted the University's motion for summary disposition based upon plaintiff's failure to comply with the notice requirement of the Court of Claims. On August 5, 2010, the judge granted the motion for summary disposition for the individual defendant Kevin Hartman, concluding the case. Plaintiff filed an appeal to the Michigan Court of Appeals. On October 20, 2011, the court issued its opinion that upheld the lower court's dismissal of the case. On November 30, 2011, the Plaintiff filed an application for review with the Michigan Supreme Court; the Supreme Court entered an order on April 23, 2012, holding this appeal in abeyance until the *McCahan v Regents* case is decided.

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. Plaintiff filed a motion for reconsideration, which was denied.

Respectfully submitted,


Suellen Scarfecchia
Vice President and General Counsel