

THE UNIVERSITY OF MICHIGAN
REGENTS COMMUNICATION
ITEM FOR INFORMATION

Subject: Litigation

May 2016

NEW CASES

Timothy Keeler v Hurley Medical Center, Melany Gavulic, in her official and individual capacity, Scott Bonzheim, in his individual capacity, Franz Jaggi, in his individual capacity, and Michael Roebuck, in his individual capacity. United States District Court, Eastern District of Michigan (Judge Bernard A. Friedman) (Filed April 4, 2016)

Plaintiff, a physician's assistant with Hurley Medical Center, asserts claims pursuant to 42 USC § 1983 against Defendants for alleged violation of his procedural due process rights and First Amendment rights of speech, association, and right to petition the government. Plaintiff claims he has suffered emotional distress, humiliation, mental anguish, and seeks back pay, lost wages, punitive damages, together with costs, interest and attorney's fees.

CASE UPDATES

No case updates to report this month.

CASE RESOLUTIONS

Detroit Free Press, Inc., a Michigan corporation, and Federated Publications, Inc., a Delaware corporation v The Regents of the University of Michigan, a Michigan corporation. Court of Claims (Judge Michael J. Talbot) (Filed July 8, 2014)

Plaintiffs alleged that the University of Michigan violated the Open Meetings Act and the Michigan Constitution. Plaintiffs sought a temporary and permanent injunction. Plaintiffs also sought costs and attorney's fees. Both parties filed motions for summary disposition and oppositions thereto. On June 10, 2015, Judge Talbot granted Defendant's motion for summary disposition and denied Plaintiffs' cross motion. On April 26, 2016, the Michigan Court of Appeals, in a unanimous published opinion, agreed that the University of Michigan is fully complying with the Michigan Constitution, rejected Plaintiffs' arguments, and affirmed the trial court's decision in favor of the University.

Joseph Campinha-Bacote d/b/a Transcultural C.A.R.E. Associates v. Regents of the University of Michigan and Jane Does 1-5 in their individual and official capacity. United States District Court, Eastern District of Michigan (Judge Michael R. Barrett) (Filed May 18, 2015)

Plaintiff, a sole proprietorship registered under the laws of Ohio, claimed copyright infringement and alleged that Defendants reproduced, copied, and published her model of cultural competency, "Cultural Competency in Health Care Delivery: Have I 'ASKED' Myself the Right Questions?," without permission. Plaintiff requested that Defendants be enjoined from reproducing, administering, using or distributing her copyrighted works. Plaintiff further sought statutory damages, costs, and attorney's fees. On July 23, 2015, the University filed a motion to dismiss that was granted. Plaintiff was granted leave to file an Amended Complaint identifying named Defendants. Plaintiff voluntarily dismissed this case.

Respectfully submitted,



Timothy G. Lynch
Vice President & General Counsel