

THE UNIVERSITY OF MICHIGAN
REGENTS COMMUNICATION
ITEM FOR INFORMATION

Subject: Litigation

May 2022

NEW CASES

Isabelle Brouman, Maya Crosman, Shaina Mahler, Amelia Brown, Lauren Lambert, Cassie McQuater, Katherine McMahan, and Kristen Beecy v The University of Michigan, and The Regents of the University of Michigan (official capacity only), Jointly and Severally, and Bruce Conforth, individually. Washtenaw County Circuit Court. (Judge Timothy Connors) (Served March 9, 2022)

Plaintiffs allege Defendant Conforth used his position within the University to sexually assault and harass female university students. Plaintiffs' eleven-count complaint includes claims of sex discrimination, violations of the Michigan Equal Accommodations Act, due process – invasion of bodily integrity, gross negligence, assault and battery, vicarious liability, and expressed/implied agency. On March 17, 2022, Defendants UM and Regents of the University of Michigan filed a motion for summary disposition. On March 24, 2022, Defendant Conforth filed a motion for summary disposition.

Wendy Rains v The Board of Regents of the University of Michigan. Court of Claims. (Judge Douglas Shapiro) (Filed March 21, 2022)

Plaintiff filed a one-count breach of contract complaint arising out of her allegations that she was denied long-term disability benefits. Plaintiff seeks damages, past due benefits, and reinstatement of her eligibility for ongoing benefits, together with interest, costs, and attorney's fees

Charles Blackwell v University of Michigan, a state public body. Court of Claim. (Judge Elizabeth L. Gleicher) (Filed February 9, 2022)

Plaintiff filed a one-count complaint alleging violations of the Freedom of Information Act ("FOIA"). Plaintiff requests that the Court order the University to provide all documents sought in the FOIA request in unredacted form, apply penalties, and award Plaintiff costs, and attorney's fees. On March 18, 2022, Defendant filed a motion for summary disposition.

Shamilya Williams v The University of Michigan; U-M Work Connections; Jennifer Barnett; Christine Fergus, agent of Work Connections; Jerri Atkins, Amy Grier, senior HR representative University of Michigan and Mary S. Coleman President of the University of Michigan. United States District Court, Eastern District of Michigan. (Judge Gershwin Drain) (Filed April 6, 2022)

Plaintiff was an Executive Assistant for LSA's Psychology department and alleges she was wrongfully terminated from her employment as a result of her alleged disabilities, race, color, marital status and after taking medical leave. Plaintiff's six-count complaint includes alleged violations of the Whistleblowers' Protection Act, the Elliott-Larsen Civil Rights Act, the Americans with Disabilities Act, the Family Medical Leave Act, and claims of race and age discrimination. Plaintiff seeks compensatory, exemplary and punitive damages together with interest costs, and attorney's fees.

Han Guo Geng v University of Michigan Dental School. District Court for 14-A-1. (Judge Kirk W. Tabbey)

Plaintiff is an Associate Professor at the University's Dental School and has filed the above-entitled lawsuit alleging that he is entitled to be reimbursed for a purchase of a printer. On April 19, 2022, Defendant filed a motion for summary disposition.

In Re: **Najebb Ahmed Khan.** United States District Bankruptcy Court (Western Division) (Jude Scott W. Dales (Notified on June 25, 2021)

This bankruptcy adversary proceeding case involves an alleged preferential payment made by the debtor parent for his son-in-law and daughter's tuition in the amount of \$57,000.

CASE UPDATES

Mark Franklin Hoeltzel v. Margie Pillsbury, Maureen Burke, Sgt. Connors, Det. Lucas, Tom Cargill, Mark Worosz, Det. Parviz, Officer Chalogianis and Lynetta Smith. United States District Court, Eastern District of Michigan. (Judge David Lawsin) (Filed October 18, 2019)

Plaintiff is currently incarcerated at the Milan Federal Correctional Institution and alleges unreasonable search and seizure in violation of the Fourth Amendment. Plaintiff seeks damages and injunctive and declaratory relief. On July 30, 2020, Defendants Pillsbury, Burke, Martin-Connors, Lucas, Cargill, Worosz and Chalogianis filed a motion for summary judgement that was granted on March 30, 2021. On April 22, 2021, Defendant Lynetta Smith filed a motion for summary judgement. On March 17, 2022, all of plaintiff's claims against all defendants were dismissed with prejudice. Plaintiff filed an appeal.

Lana Tyrrell v. University of Michigan, Teri Grieb, Valerie Hill, Melissa Dyson, Jessica Durkin, and Carrie Peterson. Washtenaw County Circuit Court. (Judge Carol Kuhnke) (Filed August 1, 2018)

Plaintiff is a former employee of the University's Unit for Laboratory Animal Medicine ("ULAM") who claims she was terminated due to her alleged disability. Plaintiff's two-count complaint includes claims for violations of the PWDORA and retaliation. Plaintiff seeks in excess of \$25,000, interest, costs, and attorney's fees. Defendants filed a motion for summary disposition that was denied on May 2, 2019. On May 21, 2019, Defendants filed a claim of appeal. On December 22, 2020, the Court of Appeals affirmed the denial of the University's motion for summary disposition and remanded back to circuit court for further proceedings. On March 10, 2021, Defendants-Appellants filed an Application for Leave to Appeal in the Michigan Supreme Court. On January 17, 2022, Defendant University of Michigan filed a Notice of Transfer to the Court of Claims as to Plaintiff's demands for declaratory and/or equitable relief and stays the Washtenaw County Circuit Court case as to all matters for which a jury trial has been requested until final judgment on Plaintiff's equitable and declaratory claims. On September 28, 2021, this case was remanded back to the Washtenaw County Circuit Court.

Jane Doe v University of Michigan, David Baum, Elizabeth Seney, Margaret Gyteko and Chung Owyang. United States District Court, Eastern District of Michigan. (Judge Robert Cleland) (Filed January 25, 2022)

Plaintiff alleges defendants failed to conduct an investigation of her Title IX report despite allegations of sexual assault and harassment. Her three-count complaint alleges violations of Title IX and negligence. Plaintiff seeks injunctive relief, compensatory and punitive damages, costs, and attorney's fees. On March 10, 2022, Defendants filed a motion to dismiss.

William Elliott Ashford, an individual v University of Michigan, University of Michigan – Dearborn, Gary Gorski, an employee of the University of Michigan and the University of Michigan-Dearborn, sued in his personal and official capacity, jointly and severally, and Jeffrey Evans, an employee of the University of Michigan and the University of Michigan-Dearborn, sued in his personal and official capacity, jointly and severally. United States District Court, Eastern District of Michigan. (Served March 4, 2020) (Judge Terrence G. Berg)

Plaintiff is a police officer for the University of Michigan – Dearborn Police Department and claims he was suspended and threatened with termination in violation of his first amendment rights. Plaintiff's four-count complaint includes alleged violations of the First Amendment, Title IX, and Michigan's Whistleblower Protections Act, and a claim of retaliation in violation of public policy. Plaintiff seeks compensatory, economic, and noneconomic damages, lost wages and benefits (past and future), and exemplary and punitive damages. Plaintiff also seeks declaratory and equitable relief to include the removal of all discipline related to the claims in this case from his record, together with interest, costs, and reasonable attorney fees. On March 15, 2022,

the Court terminated Defendant's motion for summary judgment without prejudice pending further proceedings.

Myria Petrou v The University of Michigan, a state public body. Court of Claims. (Served March 19, 25 and 30, 2021) (Judges Michael Kelly, Christopher Murry and Cynthia Stephens)

Plaintiff has filed four one-count complaints in the Court of Claims alleging violations of the Freedom of Information Act ("FOIA"). Plaintiff seeks all documents sought in the FOIA requests, penalties, and costs. To date, three of the four complaints have been dismissed.

Isabelle Brouman v The University of Michigan, a state public body. Court of Claims. (Judge Elizabeth Gleicher) (Filed December 27, 2022)

Plaintiff claims she has been denied access to responsive records in her Freedom of Information Act ("FOIA") request. Plaintiff's three-count complaint seeks a declaratory judgment, injunctive relief, and cost and fees. Plaintiff asks the Court to order Defendant to produce the requested records described in Plaintiff's requests and award punitive damages, costs and attorney's fees. On March 30, 2022, Defendant filed a motion for summary disposition.

Dana Telep v Board of Regents of the University of Michigan, Gretchen Pagac, and Jeffrey Wood. Washtenaw County Circuit Court. (Judge Carol Kuhnke) (Served January 4, 2021)

Plaintiff filed a three-count complaint alleging age discrimination in violation of the Elliot-Larsen Civil Rights Act, retaliation, and hostile work environment arising out of the termination of her position. Plaintiff seeks front and back pay, exemplary damages, interests, costs, and attorney's fees. Defendants filed a Notice of Transfer to the Court of Claims as to Plaintiffs demands for declaratory and/or equitable relief, including future wages and benefits, and as to Plaintiff's claims in Count II. The Washtenaw County Circuit Court case is stayed as to Counts I and III. On October 13, 2021, the parties stipulated to the dismissal of defendant Jeffrey Wood. In the Court of Claims case, Plaintiff filed a motion for summary disposition that was denied on April 5, 2022.

John DeMarais and Paul Hutton v The Board of Regents of the University of Michigan and Gretchen Pagac. Washtenaw Circuit Court. (Served February 8, 2021) (Judge Timothy Connors)

Plaintiffs filed a three-count complaint alleging age discrimination, retaliation, and hostile work environment arising out of the termination of their positions. Plaintiffs seek in excess of \$25,000, lost wages, fringe benefits, past and future, together with interest costs, and attorney's fee. Defendants filed a Notice of Transfer to the Court of Claims as to Plaintiffs demands for declaratory and/or equitable relief, including future wages and benefits, and as to Plaintiff's claims in Count II. In the Court of Claims case, Plaintiff filed a motion for summary disposition that was denied on April 5, 2022.

Carole McGillen v The University of Michigan and Michelle Boertman. Washtenaw County Circuit Court (Served November 16, 2020) (Judge Carol Kuhnke)

Plaintiff was an Administrative Manager Senior at the University of Michigan Medical Group and alleges that she was denied promotion and remote work accommodations and terminated on the basis of a disability and her age. She further alleges that she was retaliated against for reporting complaints of age and disability discrimination. Plaintiff seeks past and future wage loss; non-economic damages for emotional distress, embarrassment and humiliation; and costs, interest and attorney's fees. Defendants transferred Plaintiffs requests for declaratory or equitable relief to the Court of Claims, and the Washtenaw County Circuit Court Case is stayed until final judgement is made in the Court of Claims. On November 5, 2021, Plaintiff filed a motion for summary disposition that was denied. On November 30, 2021, Plaintiff stipulated to the dismissal of her failure to promote claim. On May 4, 2022, Defendants filed a motion for summary disposition.

CASE RESOLUTIONS

Vivian Saroki-Keller v The University of Michigan, a Michigan public university, the University of Michigan-Dearborn, a Michigan public university. United States District Court, Eastern District of Michigan. (Served April 14, 2020) (Judge Laurie Michelson)

Plaintiff was a part-time counseling Psychologist for the University of Michigan-Dearborn campus and alleged she was terminated from her position because of her disability. Plaintiff's two-count complaint alleged violations of the Rehabilitation Act and the People with Disabilities Civil Rights Act ("PWDCRA"). Plaintiff asked the Court to enter a judgment ordering Defendants to reinstate Plaintiff and provide reasonable accommodations necessary for Plaintiff to perform her job. Plaintiff also sought compensatory damages, exemplary and punitive damages, together with interest, costs, and attorney's fees. On June 24, 2021, both Plaintiff and Defendants filed motions for summary judgment. On October 22, 2021, Judge Michelson granted defendants' motion for summary judgment and denied plaintiff's motion. Plaintiff filed a notice of appeal. Settlement was reached between the parties. This case is concluded.

Jodi Merritt v The Board of Regents of The University of Michigan. Court of Claims. (Filed March 13, 2021) (Judge Christopher Murry)

Plaintiff filed a one-count breach of contract complaint arising out of her allegations that she was denied long-term disability benefits. Plaintiff sought damages, past due benefits, and reinstatement of her eligibility for ongoing benefits, together with interest, costs, and attorney's fees. Settlement has been reached between the parties. This case is concluded.

Ying Luo v Yang Zhang and University of Michigan. Washtenaw County Circuit Court. (Filed March 17, 2021) (Judge Patrick J. Conlin, Jr.)

Plaintiff filed a four-count complaint including allegations of sexual assault and negligence. Plaintiff sought a judgement against all defendants, together with interests, costs, and attorney's fees. On August 10, 2021, Defendant University of Michigan was dismissed as a defendant without prejudice. A motion for summary disposition was filed by Dr. Zhang on June 9, 2021. Pursuant to that motion, Plaintiff's claims for sexual assault, violation of MCL 750.539d, and Intentional Tort were dismissed with prejudice.

Munich Reinsurance American, Inc. v The Veritas Insurance Corporation. United States District Court, Eastern District of Michigan. (Filed September 15, 2021) (Judge Stephanie Dawkins Davis)

Plaintiff sought a declaratory judgment that the insurance policy between Plaintiff and Veritas does not cover claims related to the sexual misconduct claims against former employee Martin Philbert. On October 12, 2021, Veritas filed an answer and counterclaim alleging that the claims are covered by the insurance policy and should be paid by Plaintiff. Settlement has been reached between the parties. This case is concluded.

Bradley Foerster v The University of Michigan, a public state body. Court of Claims. (Served October 27, 2021) (Judge Christopher M. Murray)

Plaintiff filed two one-count complaints in the Court of Claims alleging violations of the Freedom of Information Act ("FOIA"). Plaintiff sought all documents sought in the FOIA request, penalties, and costs. The parties stipulated to the dismissal of these complaints.

Eugene Daneshvar v The University of Michigan. Court of Claims. (Served May 11, 2020) (Judge Cynthia Stephens)

Plaintiff filed a one-count complaint alleging violations of the Freedom of Information Act ("FOIA"). Plaintiff requested the Court order the University to provide all documents sought in the FOIA request, apply penalties, and award Plaintiff costs and attorney's fees. On July 20, 2020, Defendant filed a motion to dismiss that was denied on December 18, 2020. On March 30, 2022, this case was dismissed with prejudice.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Timothy G. Lynch', with a long horizontal flourish extending to the right.

Timothy G. Lynch
Vice President and General Counsel

May 2022