

THE UNIVERSITY OF MICHIGAN
REGENTS COMMUNICATION
ITEM FOR INFORMATION

Subject: Litigation

May 2023

NEW CASES

Jasmine Mehta v University of Michigan. Court of Claims. (Judge Elizabeth Gleicher) (Served February 13, 2023)

Plaintiff alleges she slipped and fell on a University-owned sidewalk that was icy and snow-covered, resulting in an injury requiring surgery. Plaintiff's two-count complaint includes claims for negligence. Plaintiff seeks an amount in excess of \$25,000 together with costs, interest, and attorney's fees. On March 3, 2023, Defendant filed a motion for summary disposition.

George Sachs d/b/a Paradyme Systems USA v Jeff Scruggs, et al. Oakland County Circuit Court. (Filed February 8, 2023)

Plaintiff is pro se and has sued dozens of individuals and companies because he lost a contest seven years ago sponsored by the U.S. Department of Energy called the Wave Energy Prize. Two of the defendants are UM faculty members who had little to no involvement in the contest. Plaintiff has alleged that the contest was fraudulently run and has also made a federal RICO claim. On March 8, 2023, a motion for summary disposition was filed on behalf of the two UM defendants on the basis of exclusive jurisdiction in the Court of Claims, the statute of limitations, and plaintiff's failure to state a viable claim. On March 8, 2023, Defendants Maki and Scruggs (U-M Defendants) filed a motion for summary disposition.

Bradley Foerster v The University of Michigan, a state public body. Court of Claims. (Filed March 13, 2023) (Judge Brock A. Swartzle)

Plaintiff alleged violations of the Freedom of Information Act ("FOIA"). Plaintiff demands all documents sought in the FOIA request, penalties, and costs.

Jeffrey Ward McKenna v Regents of the University of Michigan. Court of Claims. (Filed December 22, 2023) (Judge C. Thomas Cameron)

Plaintiff alleges that, while he was running with his dog in the Fen Parking Lot on the University of Michigan Dearborn's campus, Kevin Bean negligently and recklessly ran into him and his dog, causing serious injuries to both. Plaintiff's one-count complaint alleges negligence, and he seeks in excess of \$25,000.00, together with costs, interest, and attorney's fees.

Melvin Smith v Regents of the University of Michigan-Flint. Genesee County Circuit Court. (Filed March 16, 2023) (Judge Chris Christenson)

Plaintiff is a LEO Lecturer I in the Biology department at U-M-Flint. His six-count complaint includes allegations of a hostile work environment, race discrimination, and retaliation under both the Michigan Elliott-Larsen Civil Rights Act and Title VII. Plaintiff seeks lost wages, compensatory, emotional distress, punitive and exemplary damages; equitable relief; an injunction prohibiting Defendant from discrimination; and interest, costs, and attorney's fees.

Tamara Cook v University of Michigan. Washtenaw County Circuit Court. (Filed March 21, 2023) (Judge Timothy P. Connors)

Plaintiff is a former Patient Services Assistant for Michigan Medicine and files a three-count complaint alleging violations of the Michigan Persons with Disabilities Act for alleged failure to accommodate, disability discrimination and retaliation. Plaintiff seeks compensatory, pecuniary, exemplary and/or punitive damages; lost wages and the value of fringe benefits, past and future; and interest, costs, and attorney's fees.

Fatima Banin v State of Michigan, d/b/a University of Michigan-Ann Arbor. Court of Claims. (Served April 13, 2023) (Judge Elizabeth Gleicher)

Plaintiff alleges that on October 28, 2022, Defendant's employee was negligent by failing to stop within a clear distance, rear-ending Plaintiff's vehicle and causing serious injury. Plaintiff seeks damages plus interest, costs, and attorney's fees.

Ross Barranco and Katie Shier v University of Michigan Board of Regents. (Filed March 20, 2023) (Judge Nancy G. Edmunds)

Plaintiffs filed a complaint for declaratory and equitable relief after they were removed from the kidney and heart transplant lists for refusing to receive the COVID-19 vaccine. Michigan Medicine has a requirement that all transplant patients receive the vaccine to remain eligible transplant candidates. Plaintiff brought these claims in the Court of Claims. Plaintiff's four-count complaint includes alleged violations of the First and Fourteenth Amendments and Title II. The Michigan Court of Claims 1) dismissed the federal claims for lack of subject matter jurisdiction; 2) dismissed the Michigan civil rights claims under Elliot Larsen; and 3) retained jurisdiction over the Michigan constitutional claims. Plaintiff now brings the federal claims for injunctive relief to federal court pursuant to Title II, and the U.S. Constitution.

CASE UPDATES

Laura Beny v University of Michigan, University of Michigan Law School, and Dean Mark D. West, Individual and professional capacity. United States District Court, Eastern District of Michigan. (Filed August 26, 2022) (Judge David A. Lawson)

Plaintiff is a tenured professor at the Law School who claims she has been subjected to disability, race, and gender discrimination, and related claims, including retaliation. Plaintiff filed a fourteen-count complaint that includes claims for alleged violations of the Americans with Disabilities Act (ADA); the Family Medical Leave Act (FMLA); Title VII for race and sex discrimination; Title IX; First Amendment; Fifth Amendment; Fourteenth Amendment for Equal Protection and Due Process; Michigan Persons with Disabilities Act (PWDCRA); Elliott-Larson Civil Rights Act (ELCRA) based on sex, race and familial/marital status, hostile work environment under ELCRA, and retaliation. Plaintiff seeks in excess of \$75,000, together with interest, costs, and attorney's fees. On November 21, 2022, Defendants filed a motion to dismiss. On January 13, 2023, Plaintiff filed an amended complaint. On February 6, 2023, Defendants filed a motion to dismiss Plaintiff's First Amended Complaint.

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 of sexual assault and harassment. Her 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. On May 25, 2022, Defendants refiled the motion to dismiss as Plaintiff did not respond to the first motion but instead filed an amended complaint. On March 24, 2023, Defendants' motion to dismiss was denied without prejudice; and the Court ordered the parties to engage in limited discovery as to Doe's participation in education programs or activities, including the nature and circumstances of Doe's alleged internship at the Taubman Center.

Melanie White, individually and as PR of the Estate of Isaiah White and Darren Pollard v. Leigh Hlavaty, acting in her individual and official capacity as Deputy Chief Medical Examiner for the Wayne County Medical Examiner's Office and Wayne County. United States District Court, Eastern District of Michigan. (Judge Terrence Berg) (Filed December 12, 2022)

Plaintiff alleges violations of the Fourteenth Amendment, gross negligence, and infliction of emotional distress after Defendant Hlavaty amended her autopsy report to reflect that the cause of death was suicide. Plaintiff seeks \$1,000,000, together with costs, interest, and attorney's fees. Plaintiff seeks \$1,000,000.00 in damages, together with costs, interest, and attorney's fees. On January 13, 2023, Defendants filed a motion to dismiss. On January 13, 2023, Defendants filed a motion to dismiss.

Torin Clay v The University of Michigan. Washtenaw County Circuit Court. (Filed August 24, 2020) (Judge Carol Kuhnke)

Plaintiff alleges a violation of the Elliott-Larsen Civil Rights Act for race discrimination and seeks compensatory damages, withdrawal and eradication of his suspension, readmission to the University of Michigan, full credit for those academic classes taken and completed while he was suspended from the University of Michigan, interest, costs, and attorney's fees. On September 14, 2020, Defendants filed a motion for summary disposition of all claims or alternatively for partial summary disposition of Plaintiff's equitable claims. On November 11, 2020, Defendants' motion for summary disposition was denied and the motion for partial summary disposition was granted because the Court of Claims retains jurisdiction of Plaintiff's equitable claims. On March 9, 2021, Defendant-Appellant filed an appeal. On March 29, 2021, Plaintiff-Appellee filed a motion to dismiss the appeal, which was granted on April 22, 2021. On November 30, 2022, Defendant filed a partial motion for summary disposition that was denied. On February 14, 2023, Defendant filed a motion for summary disposition. On April 19, 2023, the court heard Defendant's motion for full summary disposition, together with Defendant's motion challenging the admission of Plaintiff's expert witness testimony. Both of those motions were denied and trial is scheduled for November. Defendants are preparing an interlocutory appeal of the court's April 19th decision.

John Doe v University of Michigan, Board of Regents of the University of Michigan, Pamela Heatlie, Robert Sellers, Martin Philbert, Erik Wessel, Laura Blake Jones, E. Royster Harper, Suzanne McFadden, and Paul Robinson. United States District Court, Eastern District of Michigan (Filed June 4, 2018) (Judge Arthur Tarnow)

Plaintiff, a student at the University of Michigan, was accused of violating the University's Policy and Procedures on Student Sexual and Gender-Based Misconduct and Other Forms of Interpersonal Violence (Sexual Misconduct Policy). His five-count complaint alleges violations of the Fourteenth Amendment, Title IX, and the Elliott-Larsen Civil Rights Act. Plaintiff seeks equitable relief, including an injunction (1) halting the investigation and decision-making process with regard to the University's Office for Institutional Equity complaint against Plaintiff and (2) prohibiting Defendants from further use of the Sexual Misconduct Policy. Plaintiff further seeks compensatory, exemplary and punitive damages, interest, costs, and attorney's fees. On June 4, 2018, Plaintiff filed an *ex parte* motion to proceed under a pseudonym and a motion for a temporary restraining order and preliminary injunction. Defendants' opposition to Plaintiff's motion for preliminary injunction was filed on June 15, 2018. On July 6, 2018, the Court entered its Order Granting In Part and Denying In Part Plaintiff's Motion for a Temporary Restraining Order and Preliminary Injunction. The Court ordered that the University provide Plaintiff with the opportunity for a live hearing in accordance with the procedures set forth in the Statement of Student Rights and Responsibilities as soon as practicable.

On July 25, 2018, Defendants filed a notice of appeal. Plaintiff filed a cross-appeal. On January 18, 2019, Defendant filed a motion to dismiss the cross-appeal. On April 10, 2019, the United States Court of Appeals for the Sixth Circuit vacated the district court's preliminary injunction and remanded for reconsideration in light of *Doe v. Baum* and the University's interim policy. On May 22, 2019, Plaintiff filed a second amended complaint. On June 5, 2019, Defendants filed a motion to dismiss the second amended complaint. On June 10, 2019, Plaintiff filed a motion for partial summary judgment. On June 12, 2019, Defendants filed an emergency petition with the Sixth Circuit seeking mandamus relief from the District Court's orders requiring

the University's President to appear for a settlement conference on the record and in open court. On June 12, the Sixth Circuit stayed the District Court's Order and on August 23, 2019, granted the petition for a writ of mandamus. On October 21, 2019, Defendants filed a motion requesting that the District Court permit the University to proceed with the student conduct hearing or, in the alternative, promptly rule on the pending dispositive motions. On November 15, 2019, the District Court denied Defendants' motion. On March 16, 2020, Defendants filed a petition for a writ of mandamus with the Sixth Circuit, seeking an order requiring the District Order to permit the University to move forward with the student conduct hearing and to implement the Sixth Circuit's order to reconsider Plaintiff's due process claim in light of the University's interim policy. On March 23, 2020, the District Court entered an Order granting in part and denying in part Defendants' motion to dismiss, granting Plaintiff's motion for partial summary judgment, and denying Defendants' motion to vacate order enjoining student conduct hearing as moot. The District Court dismissed Plaintiff's Title IX claim and declined to exercise supplemental jurisdiction over Plaintiff's Elliott-Larsen Civil Rights Act claim. The District Court declined to dismiss Plaintiff's Fourteenth Amendment Due Process claim on qualified immunity grounds and granted summary judgment in Plaintiff's favor on this claim. On March 24, 2020, the Clerk entered a corresponding Judgment. On March 25, 2020, Defendants filed a Notice of Appeal. On April 10, 2020, Plaintiff filed a motion for injunctive relief, seeking to delay his student conduct hearing. On April 16, 2020, the Court denied Plaintiff's motion as moot after the claimant informed the University that she would no longer participate in a hearing. On April 20, 2020, the Sixth Circuit entered an order dismissing the March 16, 2020, mandamus petition as moot. On April 27, 2020, Plaintiff filed a motion to dismiss the March 25 appeal as moot while also seeking to leave the District Court's March 23 Order intact. On May 1, 2020, Defendants filed a motion for sanctions against Plaintiff, requesting that the Court order reimbursement for the legal fees they expended responding to Plaintiff's improper motion for injunctive relief pending Defendants' appeal and preparing the motion for sanctions. On November 25, 2020, the Magistrate Judge issued a Report and Recommendation that the motion for sanctions be denied. Defendants timely filed objections and a ruling on the request for sanctions is pending. On December 23, 2020, the Sixth Circuit granted Plaintiff's motion to dismiss the March 25, 2020, appeal as moot with instructions to vacate the judgment. On January 8, 2021, Plaintiff filed a renewed motion for attorney fees. On November 19, 2021, the Magistrate Judge issued a Report and Recommendation awarding attorney fees. The University filed objections to the Report and Recommendation that were overruled by the District Court's June 28, 2022, Order. On July 27, 2022, Defendants filed a notice of appeal that is scheduled for oral argument on May 5, 2023.

John Doe, M.D. v. The Board of Regents of the University of Michigan, Marie Lozon, M.D., and Justin Dimick, M.D., Individually. United States District Court, Eastern District of Michigan (Judge Gershwin Drain) (Filed December 29, 2022)

Plaintiff filed a six-count complaint after he received notice from Defendants of an intent to suspend his clinical privileges indefinitely and report his suspension to the National Practitioner Data Bank ("NPDB") and the State of Michigan Board of Medicine. Plaintiff's alleges violations of due process, breach of contract, breach of fiduciary and public duties, intentional infliction of emotional distress, and retaliation. Plaintiff sought injunctive and equitable relief, compensatory, exemplary and punitive damages; and he asked that his clinical privileges be restored, his board certification renewed, and his name renewed with the NPDB. Plaintiff also sought interest, costs, expert witness, and attorney's fees. Defendants filed a motion to dismiss that was granted on June 16, 2022. Plaintiff filed a motion for reconsideration that was denied on November 18, 2022. On December 5, 2022, Plaintiff filed an appeal.

CASE RESOLUTIONS

Grace Foxworthy, Individually and on behalf of all similarly situated individuals v Michigan Medicine. Court of Claims. (Filed July 29, 2022) (Judge Elizabet L. Gleicher)

Plaintiff filed a four-count complaint after she was terminated from her position as a medical assistant associate for inappropriate modification/alterations to her own electronic medical record. Plaintiff's complaint included claims for alleged violations of the Fair Labor Standards Act; Improved Workforce Opportunity Wage Act; Persons with Disabilities Civil Rights Act and retaliation; and the Family Medical Leave Act. Plaintiff sought designation of a class action, unpaid overtime wages, liquidated and compensatory damages, together

with interest and attorney's fees. On October 20, 2022, Defendant filed a motion for partial summary disposition requesting dismissal of Count I-FLSA claim and Count IV-FMLA claim. On October 28, 2022, Plaintiff filed an amended Complaint dismissing Rebecca Hathaway as a defendant as well as Plaintiff's FMLA claim. Settlement has been reached between the parties. This case is concluded.

Kertina Kimbrough v The University of Michigan and Kayce Newcomb, an employee of the University of Michigan sued in her personal and official capacity, jointly and severally. United States District Court, Eastern District of Michigan. (Filed February 19, 2020) (Judge Stephanie Dawkins Davis) AND **Kertina Kimbrough v Kayce Newcomb, an employee of the University of Michigan sued in her personal and official capacity.** Washtenaw County Circuit Court. (Filed July 8, 2020) (Judge Timothy Connors)

Plaintiff, an Administrative Assistant in Michigan Medicine's Department of Psychiatry, alleges race discrimination under Title VII and Michigan's Elliott-Larsen Civil Rights Act after she was denied a promotion. Plaintiff claims she suffered compensatory, economic, and non-economic damages, lost wages and benefits, past and future. She seeks exemplary and liquidated damages; an injunction prohibiting any further acts of wrongdoing; and interest, costs, and attorney's fees (Kimbrough I). On April 20, 2020, the parties stipulated the dismissal of the race discrimination claim under Michigan's Elliott-Larsen Civil Rights Act ("ELCRA"), without prejudice. On July 8, 2020, after the court dismissed Plaintiff's ELCRA claim for race discrimination, Plaintiff filed a one-count complaint in state court claiming race discrimination in violation of ELCRA (Kimbrough II). Defendant filed a motion for summary disposition that was granted and denied in part on July 29, 2022. This case is scheduled for trial in May 2023. On January 29, 2021, Defendants filed a motion for summary judgment in Kimbrough I that was granted and denied in part. Plaintiff filed a motion for partial reconsideration on February 3, 2023. Settlement has been reached between the parties. This case is concluded.

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 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 that was granted on July 7, 2022.

Devereaux Johnson v Regents of the University of Michigan. Court of Claims. (Judge Michael Kelly)
(Served June 19, 2020)

Plaintiff filed a one-count complaint of negligence and owner's liability, claiming that an employee of defendant struck his vehicle and caused serious and permanent injuries. Plaintiff sought compensation for his injuries and damages, together with interests, costs, and attorney's fee. On November 20, 2020, Defendant filed a motion for summary disposition. Settlement has been reached between the parties. This case is concluded.

Taja Willis v The County of Wayne and its Subdivision Wayne County Medical Examiner, John Doe Medical Examiner Clora Funeral Homes. Wayne County Circuit Court. (Judge Dana Hathaway) (Served November 22, 2021)

Plaintiff, whose father passed away in a group home, alleged that the Wayne County Medical Examiner intentionally and/or negligently delayed picking up the body from the shelter, causing the body to expedite the natural decomposition process. Plaintiff alleged gross negligence and intentional and negligent infliction of emotional distress. Plaintiff sought an amount in excess of \$25,000, including interest, costs, and attorney's fees. On December 9, 2019, Defendants filed a motion for summary disposition that was granted on March 8, 2023.

Kimberly Sabaugh v Adam Hollerbach, Chyresse Nicholson, Shelly Bell and University of Michigan Hospital. Washtenaw County Circuit Court. (Judge Timothy Connors) (Filed January 19, 2023)

Plaintiff alleges intentional infliction of emotional distress, negligent infliction of emotional distress, and invasion of privacy after she was removed from the University of Michigan Hospital, where her mother was a patient. Plaintiff seeks in excess of \$25,000, together with interest, costs, and attorney's fees. Defendants filed a motion for summary disposition on February 13, 2023. On March 27, 2023, the parties stipulated to dismiss this case without prejudice.

Kertina Kimbrough v The University of Michigan and Kayce Newcomb, an employee of the University of Michigan sued in her personal and official capacity, jointly and severally. United States District Court, Eastern District of Michigan. (Filed February 19, 2020) (Judge Stephanie Dawkins Davis) AND **Kertina Kimbrough v Kayce Newcomb, an employee of the University of Michigan sued in her personal and official capacity.** Washtenaw County Circuit Court. (Filed July 8, 2020) (Judge Timothy Connors)

Plaintiff, an Administrative Assistant in Michigan Medicine's Department of Psychiatry, alleged race discrimination under Title VII and Michigan's Elliott-Larsen Civil Rights Act because she was denied a promotion. Plaintiff claimed she suffered compensatory, economic and non-economic damages, lost wages and benefits, past and future, and she sought exemplary and liquidated damages. Plaintiff sought an injunction prohibiting any further acts of wrongdoing, together with interest, costs, and attorney's fees (Kimbrough I). On April 20, 2020, the parties stipulated to the dismissal of the race discrimination claim under Michigan's Elliott-Larsen Civil Rights Act ("ELCRA"), without prejudice. On July 8, 2020, after the court dismissed Plaintiff's ELCRA claim for race discrimination, Plaintiff filed a one-count complaint in state court claiming race discrimination in violation of ELCRA (Kimbrough II) Defendant filed a motion for summary disposition that was granted and denied in part on July 29, 2022. On January 29, 2021, Defendants filed a motion for summary judgement in Kimbrough I that was granted and denied in part. Settlement has been reached between the parties for both Kimbrough I and II. Both cases are concluded.

Andrew Lipian v University of Michigan, Jeffrey Frumkin, Elizabeth Seney, Pamela Heatlie, Melody Racine, Martin Philbert, Martha Pollack, Steven West, Aaron Dworkin, Mark Schlissel, and Christopher Kendall. United States District Court, Eastern District of Michigan (Judge Arthur Tarnow), (Filed October 31, 2018) AND **Andrew Lipian v Jeffery Frumkin, Elizabeth Seney, Pamela Heatlie, Steven West, Aaron Dworkin, Melody Racine, and Christopher Kendall.** Washtenaw County Circuit Court. (Filed March 20, 2020) (Judge David S. Swartz)

Plaintiff, a University of Michigan student in the School of Music, Theater and Dance, alleged violations of Title IX of the Education Amendments of 1972 and Michigan's Elliott-Larsen Civil Rights Act. Plaintiff sought compensatory damages, exemplary and punitive damages, interest, costs, and attorney's fees. On December 6, 2018, Defendant University of Michigan filed a motion to dismiss. On December 14, 2018, Defendant David Daniels filed a counter-claim against Plaintiff. On January 4, 2019, Plaintiff filed a motion to dismiss Defendant Daniels's counter-claim. On February 21, 2019, an Order was entered dismissing Count II of Plaintiff's Complaint and dismissing the counter-claim. On September 26, 2019, after the court granted leave, Plaintiff filed an amended complaint asserting additional Title IX claims as well as Equal Protection Clause, Due Process Clause, and First Amendment claims under 42 U.S.C. § 1983. Plaintiff also added Jeffrey Frumkin, Elizabeth Seney, Pamela Heatlie, Melody Racine, Martin Philbert, Martha Pollack, Steven West, Aaron Dworkin, Mark Schlissel, and Christopher Kendall as defendants. On October 25, 2019, the individual defendants filed a motion to dismiss. On December 13, 2019, all Defendants filed a motion for summary judgment. On April 9, 2020, the district court entered an Opinion and Order granting in part and denying in part Defendants' motion to dismiss and granting in part and denying in part Defendants' motion for summary judgment. All claims against the individual defendants were dismissed. Additionally, all of Plaintiff's claims against the University were dismissed except his Title IX claim alleging that the University's response to sexual harassment was deliberately indifferent. On April 23, 2020, the University filed a motion to certify a portion of the district court's April 9, 2020, Opinion and Order for interlocutory appeal as well as a motion to stay proceedings pending a resolution of any appeal that were both denied.

On March 20, 2020, Plaintiff filed a State Court lawsuit against Jeffrey Frumkin, Elizabeth Seney, Pamela Heatlie, Melody Racine, Steven West, Aaron Dworkin, and Christopher Kendall asserting sex discrimination and retaliation claims arising under the Elliott-Larsen Civil Rights Act and a claim for false light invasion of privacy. On June 19, 2020, Defendants removed the State Court case to Federal Court and filed a motion to dismiss that case the same day. Plaintiff filed an amended complaint, removing Kendall and Dworkin as defendants, and removing the retaliation claim. Plaintiff also filed a motion for remand that was granted on July 15, 2020. On April 7, 2020, Defendants filed a motion for summary disposition that was granted on September 30, 2020. Plaintiff filed an appeal on October 20, 2020. On February 1, 2020, the Michigan Court of Appeals dismissed Plaintiff's appeal after the parties stipulated to its dismissal. Settlement has been reached between the parties. This case is concluded.

Elia Companies, LLC, a Michigan limited liability company v Regents of the University of Michigan, a Michigan constitutional corporation. Washtenaw County Circuit Court. (Judge Archie Brown) (Filed August 9, 2018)

Plaintiff owns and operates restaurants, including several coffee shops through various wholly owned subsidiaries and related entities. The parties were in dispute over the termination of a lease for certain premises located in the University of Michigan Union. Plaintiff's six-count complaint included alleged breach of contract, breach of covenant for quiet possession, use and enjoyment, conversation, unjust enrichment and alleged violations of Michigan's lock-out statute. Plaintiff seeks in excess of \$25,000, interest, costs, and attorney's fees. On June 18, 2019, Defendant filed a motion for summary disposition that was granted with prejudice on August 23, 2019. Plaintiff filed an appeal. On January 21, 2021, the Court of Appeals affirmed dismissal of all claims except the breach of contract claim, which was remanded to the Court of Claims. On April 5, 2021, Defendant filed an application for leave to appeal to the Michigan Supreme Court. On May 2, 2023, the Michigan Supreme Court reversed and remanded to the Court of Claims for reinstatement of summary disposition in favor of defendant.

Matthew P. Vyletel v University of Michigan and Regents of the University of Michigan. United States District Court, Eastern District of Michigan. (Judge Matthew Leitman) (Filed October 17, 2022) AND Matthew P. Vyletel v University of Michigan – Dearborn. United States District Court, Eastern District of Michigan. (Judge Matthew Leitman) (Filed November 14, 2022) AND Matthew Vyletel v University of Michigan-Dearborn and Regents of the University of Michigan. United States District Court, Eastern District of Michigan. (Judge Shalina Kumar) (Filed December 19, 2022)

Plaintiff, a University of Michigan-Dearborn student, alleged violations of the First Amendment and age, race, and sex discrimination in three separate lawsuits when he was banned from the Formula Society of Automotive Engineers ("FSAE") team. On October 31, 2022, the University filed a motion to dismiss Plaintiff's first complaint (Vyletel I), which was granted on March 16, 2023. On November 14, 2022, while the Motion to Dismiss in Vyletel I was pending, Plaintiff filed his second case against the University of Michigan-Dearborn (Vyletel II). On or about December 5, 2022, the University filed a motion to dismiss Vyletel II because Plaintiff engaged in claim splitting. That motion was granted on April 24, 2023. On December 19, 2022, Plaintiff filed his third lawsuit against the University of Michigan-Dearborn (Vyletel III) arising from the same set of facts as Vyletel I and II. On January 9, 2023, the University filed a motion to dismiss Vyletel III because the University of Michigan-Dearborn is not a proper party, the case is barred by the Eleventh Amendment, and the basis of claim splitting. Plaintiff filed an amended complaint in Vyletel III. On January 30, 2023, Defendants filed a motion to dismiss that complaint (Vyletel III), which was dismissed on April 5, 2023.

Antoinette Ivery as PR of Estate of Kanisha Coleman and in her individual capacity, DDL a minor, NHS a minor v Jeffrey Hudson, acting in his individual and official capacity as Medical Director of the Wayne County Medical Examiner's Office and Wayne County Municipality. United States District Court, Eastern District of Michigan. (Judge Sean Cox) (Filed November 22, 2022)

Plaintiff alleges violations of the Fourteenth Amendment, gross negligence, and infliction of emotional distress after Defendant Hudson amended his autopsy report to reflect that the cause of death was suicide. Plaintiff seeks \$1,000,000.00 together with costs, interest, and attorney's fees. On January 13, 2013, Defendants filed a motion to dismiss that was granted on April 26, 2023.

Respectfully submitted,



Timothy G. Lynch
Vice President and General Counsel

May 2023