

THE UNIVERSITY OF MICHIGAN
REGENTS COMMUNICATION
ITEM FOR INFORMATION

Subject: Litigation

June 2017

NEW CASES

Don M. Bosco, Personal Representative of Estate of Heping Zhao v Ameer Raof. Washtenaw County Circuit Court. (Judge Timothy Connors) (Filed March 22, 2017)

Plaintiff, Don M. Bosco, has been appointed as Personal Representative of the Estate of Heping Zhao by the Probate Court of Washtenaw County. Plaintiff claims that as a result of wrongful acts by former-Michigan employee Defendant Raof, Zhao suffered injuries resulting in his death. Plaintiff seeks economic and non-economic damages, together with costs, interest and attorney's fees. On May 22, 2017, Defendant filed a motion to dismiss and for summary disposition.

Arseniy Bakhshersyan v. Regents of the University of Michigan. Court of Claims. (Judge Michael Talbot) (Served May 16, 2017)

Plaintiff was a graduate student in the Masters in Business Administration ("MBA") program sponsored by the Ross School of Business. Plaintiff alleges violations of the Michigan Constitution when he was found to have stalked his former girlfriend after she ended their relationship. Plaintiff was notified of the allegations and given a full and fair opportunity to make his case. Plaintiff was found to have stalked his former girlfriend. Plaintiff appealed in writing. A former federal judge, who serves as the University's external appellate reviewer, affirmed the stalking finding in writing. Plaintiff nonetheless alleges he was denied his constitutional rights under the University's disciplinary process. Plaintiff, who wouldn't take no for an answer, no matter how many times he was told, requests mandatory injunctive and declaratory relief, and seeks sanctions, costs and attorney's fees. On May 26, 2017, Plaintiff filed a verified motion for order to show cause and for preliminary injunction.

Losec, a Michigan Corporation, and Sidney Combs v Matthew Beaudry, Bryan Earl and University of Michigan-Dearborn Athletic Department. (Wayne County Circuit Court) (Judge Muriel Hughes) (Served May 11, 2017)

Plaintiff accuses Defendants of conversion, misuse of funds, refusal to pay for goods and services received and used, and refusal to account for and return funds on legal demand. Plaintiff requests an amount in excess of \$25,000, exemplary damages, cost, fees and sanctions. Plaintiff also requests the Court to compel Defendants to prepare a true and accurate accounting of the funds, ledgers, budget, activities, and assets.

CASE UPDATES

Michael Sanders, as Personal Representative for the estate of Nancy Sanders, Deceased v Kenneth Wright. Washtenaw County Circuit Court (Judge Carol Kuhnke) (Filed July 8, 2014)

Plaintiff claims that defendant, while driving a UM commuter bus, struck Plaintiff's Decedent, Nancy Sanders who later died of injuries. His complaint alleges gross negligence and seeks in excess of \$25,000 in damages with costs, interest, and attorney's fees. Defendant filed a motion for partial summary disposition to dismiss Count II of the First Amended Complaint that was granted on April 26, 2017, without prejudice.

Rebecca Foster v The University of Michigan, The Board of Regents of the University of Michigan, and Alison Davis-Blake, in her official capacity as Dean of the Ross School of Business at the University of Michigan. United States District Court, Eastern District of Michigan. (Judge Bernard Friedman) (Filed May 10, 2017)

Plaintiff is a 2014 graduate of the Executive Masters of Business Administration program ("EMBA") at the University of Michigan's Stephen M. Ross School of Business. She filed a one-count complaint claiming a violation of Title IX, alleging that, during her time in the EMBA program, she was stalked and harassed by a fellow EMBA student. Plaintiff claims Defendants failed to provide a prompt and equitable response to Plaintiff's complaints. Plaintiff seeks repayment for all tuition and related expenses; payment of expenses incurred as consequence of the alleged harassment and retaliation; damages for deprivation of equal access to the educational benefits and opportunities provided by Defendants; damages for lost economic opportunity; and damages for past, present, and future emotional pain and suffering, and ongoing and severe mental anguish. Plaintiff also seeks pre- and post-judgment interest, costs, and attorney's fees. On March 17, 2017, Plaintiff filed a motion for pseudonymous status or in the alternative to seal the court file. This motion was denied on May 2, 2017. On May 10, 2017, Plaintiff filed a revised Complaint adding Plaintiff Rebecca Foster's name. On May 24, 2017, Defendant's filed a motion to dismiss.

Professor Scott Kurashige, Ph.D., and Professor Emily Lawsin, M.A. v University of Michigan, a Michigan corporation. Washtenaw County Circuit Court (Judge Timothy Connors) (Filed January 10, 2017)

Plaintiff Scott Kurashige, formerly a professor in the Departments of American Culture and History in the College of Literature, Science and the Arts, and Plaintiff Emily Lawsin, a Lecturer IV in the Departments of Women's Studies and American Culture in the College of Literature, Sciences and the Arts, allege race discrimination, gender discrimination, marital status discrimination, race hostile work environment and retaliation, and disability-based discriminatory hostile treatment and retaliation. Plaintiff Lawsin, who is currently on leave from her Lecturer IV position, seeks reinstatement to her position as a Lecturer IV, to teach in Winter 2017, without a "remediation plan." Plaintiff Kurashige seeks reinstatement to a tenured full professor position from which he claims he was constructively discharged and reinstatement to the position of Director of the Asian/Pacific Islander American Studies Program. Both Plaintiffs further seek economic and non-economic damages, permanent injunctive relief under the Elliott-Larsen Civil Rights Act and a consent judgment with a timeline for meeting metrics and other necessary actions to come into compliance with ELCRA. On February 22, 2017, Defendant filed a partial motion to dismiss that was granted and denied in part. Plaintiff filed an Amended Complaint.

CASE RESOLUTION

Elizabeth Evans v University of Michigan Hospital. United States District Court, Eastern District of Michigan (Judge Gershwin A. Drain) (Served April 5, 2016)

Plaintiff was an Instrument Processor I for the University's Operating Rooms department. She alleged that she was injured at work after she slipped and fell over a linen bag. Plaintiff claimed that, after her treating physician took her off work due to her alleged injury, the University terminated her from her position. Plaintiff alleged various claims of race, age, gender, and disability discrimination. Plaintiff sought an amount in excess of \$25,000, together with interest, costs, and attorney's fees, as well as injunctive relief. On January 5, 2017, Defendant's filed a motion for summary judgment. On January 13, 2017, Plaintiff's attorney filed a motion to withdraw as counsel. On April 14, 2017, both motions were granted.

Joanne Odom and Reginald Whitlow v University of Michigan and University of Michigan Health System. Washtenaw County Circuit Court (Judge David S. Swartz) (Served October 26, 2015) AND Joanne Odom and Reginald Whitlow v University of Michigan, University of Michigan Health System, Russ Laurin and Kathy Jordan-Sedgeman, in their individual and official capacity. United States District Court, Eastern District of Michigan. (Judge Paul D. Borman) (Filed August 8, 2016)

Plaintiffs, supervisors for the hospital's patient transportation department, alleged they were discharged from their respective positions because of age. Plaintiffs' claims included embarrassment and humiliation, pain and suffering, and harm to reputation. Plaintiffs sought back pay, front pay and reinstatement, exemplary damages, interest, costs, and attorney's fees. Plaintiffs voluntarily withdrew their lawsuit in Washtenaw County Circuit Court to file a complaint in federal court to add a Section 1983 due process violation claim. A stipulated Order to dismiss without prejudice was entered on July 28, 2016 that included an award of \$475.00 in costs to the Defendant. Plaintiffs filed a similar Complaint in the United States District Court, Eastern District of Michigan, adding a Section 1983 due process violation claim and a Michigan Elliott-Larson Civil Rights age discrimination claim, as well as naming two former University employees as defendants. On October 17, 2016, Defendants filed a motion to dismiss that was granted on May 17, 2017.

Respectfully submitted,



Timothy G. Lynch
Vice President & General Counsel

June 2017