

THE UNIVERSITY OF MICHIGAN
REGENTS COMMUNICATION
ITEM FOR INFORMATION

Subject: Litigation

July 2021

NEW CASES

Maria Kenesey v University of Michigan. Washtenaw County Circuit Court. (Judge Patrick J. Conlin, Jr.)
(Served May 18, 2021)

Plaintiff, a former graduate student at the University, filed a two-count complaint alleging she was inappropriately denied in-state tuition and, as a result, has an outstanding balance due that has delayed her receiving her diploma and transcripts. Plaintiff asks the Court to determine that she was a Michigan resident, is entitled to in-state tuition, and is not obliged to make any further tuition payments. Plaintiff seeks an amount of \$3,708.80 from Defendant, a mandatory injunction ordering the University to release her diploma and transcripts, together with costs and attorney's fees.

Josephine Graham, on behalf of herself and all others similarly situated v University of Michigan and The Regents of the University of Michigan. United States District Court, Eastern District of Michigan.
(Judge Victoria Roberts) (Filed May 20, 2021)

Plaintiff filed a one-count Title IX complaint alleging Defendants breached and are breaching their duty to Plaintiff and Class members in terms of setting, implementing, and enforcing appropriate policies and procedures to prevent, or properly respond to, on-campus sexual assaults. Plaintiff asks the Court to certify the Class, name Plaintiff as representative of the Class, and appoint her lawyers as Class Counsel; enter judgment against Defendants in favor of Plaintiff and Class members; enter appropriate equitable relief as the Court deems just, proper, and fair; and award Plaintiff reasonable attorneys' fees. On June 4, 2021, Defendants filed a motion to dismiss.

Iyad Ghadieh v University of Michigan Hospitals and American Heart Association of Michigan. Wayne County Circuit Court. (Judge Timothy Kenny) (Filed May 7, 2021)

Plaintiff seeks equitable relief pursuant to MCL 600.2932 to quiet title against Defendants (University of Michigan Hospitals and American Heart Association of Michigan) regarding real property located in Wayne County, Michigan. Plaintiff claims there was a break in the chain of title that resulted in Defendants improperly clouding title to the Property. Plaintiff asks the Court to enter a judgment determining that Plaintiff holds the full legal and equitable title to the Property in fee simple absolute, free and clear of any and all claims of Defendants in this action, and quieting title to the Property forever in Plaintiff. On June 21, 2021, a stipulated order was entered to quiet title and for dismissal of defendant, The Regents of the University of Michigan aka University Hospitals.

CASE UPDATES

David St. Pierre v University of Michigan. United States District Court, Eastern District of Michigan. (Judge Matthew F. Leitman) (Served January 22, 2020)

Plaintiff claims age and disability discrimination as a result of the termination of his employment. Plaintiff seeks \$100,000,000 in damages. On March 13, 2020, Defendant filed a partial motion to dismiss Plaintiff's Complaint. The parties stipulated to the dismissal of Count II of Plaintiff's Complaint – Age Discrimination. On May 24, 2021, Defendant filed a motion for summary judgement.

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 alleges she was terminated from her position because of her disability. Plaintiff's two-count complaint alleges violations of the Rehabilitation Act and the People with Disabilities Civil Rights Act ("PWDCRA"). Plaintiff asks the Court to enter a judgment ordering Defendants to reinstate Plaintiff and provide reasonable accommodations necessary for Plaintiff to perform her job. Plaintiff also seeks 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.

The Mackinac Center for Public Policy, a nonprofit Michigan corporation v The University of Michigan, a state public body. Court of Claims. (Judge Christopher Murray) (Served January 5, 2021)

Plaintiff filed a one-count complaint alleging violations of the Freedom of Information Act ("FOIA"). Plaintiff asks the Court to order defendant to provide all documents sought in the FOIA request, apply penalties, and award costs and attorney's fees. On May 10, 2021, the University filed a motion to dismiss.

Hassan M. Ahmad, Esq. v University of Michigan. Court of Claims. (Judge Stephen Borrello) (Served June 23, 2017)

Plaintiff filed a Complaint claiming the University of Michigan violated the Freedom of Information Act ("FOIA"). On August 16, 2017, Defendant filed a motion to dismiss that was granted. On November 20, 2017, Plaintiff filed an appeal. On June 20, 2019, the Michigan Court of Appeals issued an unpublished opinion in which it held that the requested records are public records. The court remanded the case to the Court of Claims for further proceedings consistent with the court's opinion. On July 31, 2019, the University filed an application for leave to appeal to the Michigan Supreme Court. On March 6, 2020, the Supreme Court granted leave to appeal. On April 9, 2021, after granting leave to appeal, the Michigan Supreme Court affirmed the Court of Appeals' ruling by equal division. The case has been remanded to the Court of Claims for further proceedings.

Heather Wurster v The Board of Regents of the University of Michigan and Jeffrey S. Desmond, MD., D. Kerry Laycock, LLC, a Michigan limited liability company, and Douglas Kerry Laycock, a/k/a D. Kerry Laycock. Washtenaw County Circuit Court. (Served June 2, 2020) (Judge Timothy Connors)

Plaintiff's employment at Michigan Medicine was terminated in June 2019. Plaintiff's three-count complaint alleges violations of The Elliot-Larsen Civil Rights Act for age discrimination, sex discrimination, and retaliation. Plaintiff claims she has suffered embarrassment, humiliation, pain and suffering, and harm to reputation. Plaintiff seeks back pay, front pay, exemplary damages interest, costs, and attorney's fees. On March 29, 2021, Defendants filed a motion for summary disposition. On May 13, 2021, Plaintiff filed an amended complaint adding Counts IV and V: Tortious Interference with Business Relationship and Expectancy, and Civil Conspiracy (against all defendants except The Board of Regents of the University of Michigan) and adding two additional named defendants. On June 3, 2021, Defendant Jeffrey S. Desmond, MD, filed a motion for summary disposition to Counts IV and V of Plaintiff's amended complaint.

CASE RESOLUTIONS

Paul Hanson v The University of Michigan and The Regents of the University of Michigan. Court of Claims. (Judge Christopher Murray) (Served October 8, 2020)

Plaintiff filed a two-count complaint alleging negligence and gross negligence and premise liability after he slipped and fell in a restroom in the Museum of Natural History. Plaintiff sought compensation for injuries and damages sustained together with interest, costs, and attorney's fees. On December 21, 2020, Defendants filed a motion for summary disposition that was granted on May 11, 2021.

Robert Sherwin v The Board of Regents of the University of Michigan. Court of Claims. (Filed March 3, 2019) (Judge Christopher Murray)

Plaintiff brought a breach of contract claim against the University out of an alleged denial of his long-term disability benefits. Plaintiff sought past due benefits and to reinstate eligibility for ongoing benefits, together with interest, costs, and attorney's fees. Settlement has been reached between the parties. This case is concluded.

American Council of Trustees and Alumni v The University of Michigan, a state public body. Court of Claims. (Served January 13, 2021) (Judge Michael Kelly)

Plaintiff filed a one-count complaint alleging violations of the Freedom of Information Act ("FOIA"). Plaintiff asked the Court to order defendant to provide all documents sought in the FOIA request, apply penalties, and award costs and attorney's fees. On April 21, 2021, the case was dismissed after the parties reached a resolution of the dispute.

Julie Tucker v The Board of Regents of the University of Michigan. Court of Claims. (Served June 22, 2020) (Judge Michael Kelly)

Plaintiff brought a breach of contract claim against the University out of an alleged denial of her long-term disability benefits. Plaintiff sought past due benefits and to reinstate eligibility for ongoing benefits, together with interest, costs, and attorney's fees. Settlement has been reached between the parties. This case is concluded.

Respectfully submitted,



Timothy G. Lynch
Vice President and General Counsel

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