

THE UNIVERSITY OF MICHIGAN  
REGENTS COMMUNICATION  
ITEM FOR INFORMATION

Subject: Litigation

September 2013

NEW CASES

Eugene D. Daneshvar v Daryl R. Kipke, and NeuroNexus Technologies, Inc. Washtenaw County Circuit Court. (Judge Archie Brown) (Filed June 6, 2013)

Plaintiff is a doctoral candidate at the University of Michigan, College of Engineering. Plaintiff claims that after disclosing his inventions to defendant Daryl Kipke, who served as plaintiff's Faculty Advisor from approximately 2005 to 2011, Defendants used Plaintiff's inventions for their own benefit. His three-count complaint includes counts alleging Fraud, Breach of Fiduciary Duty, and Unjust Enrichment and seeks exemplary damages, and costs. The lawsuit was filed in Washtenaw Circuit Court, but on July 18, 2013, defendant NeuroNexus removed it to the Eastern District of Michigan. NeuroNexus filed an answer on July 18, 2013 on behalf of both Defendants, denying all liability and filing counterclaims for (a) a declaration of non-inventorship of Plaintiff, and (b) defamation of defendant Kipke.

Michael Dwayne Thomas v University of Michigan, Lynn Noder-Love, Detective Ryan Cavanaugh, Deputy Scott Heddle and Deputy William Coggins. United States District Court, Eastern District of Michigan. (Judge Bernard Friedman) (Filed June 28, 2013)

Plaintiff alleges he was falsely arrested on June 27, 2011 by Defendants Heddle and Coggins and later arraigned on charges of Assault with Intent to do great bodily harm, among other things, which, he claims, were later dismissed. His seven-count complaint includes counts alleging Gross Negligence, Intentional Infliction of Emotional Distress, and Violation of 42 U.S.C.-1983 as to all defendants; False Arrest and False Imprisonment as to defendants Cavanaugh, Heddle and Coggins; Constitutional Deprivation: Individual Law Enforcement Officer as to defendants Cavanaugh, Heddle and Coggins; Constitutional Deprivation: Municipal/Supervisory Liability as to defendant University of Michigan; and Malicious Prosecution as to defendants Cavanaugh and Noder-Love. Plaintiff seeks judgment in excess of \$75,000, plus costs, interest and attorney's fees, together with exemplary and/or punitive damages. On June 28, 2013, Plaintiff filed a First Amended Complaint, adding the University of Michigan Health System as a defendant. On August 19, 2013, Defendants filed a Motion to Dismiss.

Joan Scheske v University of Michigan Health System. United States District Court, Eastern District of Michigan. (Judge Nancy Edmunds) (Filed August 5, 2013)

Plaintiff was a market research analyst lead for the Department of Surgery for the University of Michigan Health System. Plaintiff states she reported to management that there was a discrepancy between her role, title and compensation, and that this discrepancy was based on her gender. Plaintiff claims similarly situated male employees, who performed similar functions, were properly titled and compensated at the director level and she was not. Plaintiff further alleges that her supervisors subjected her to gender-based discriminatory behavior. Her three-count complaint includes counts alleging Gender Discrimination, Retaliation and Violation of the Equal Pay Act. Plaintiff seeks back pay, punitive damages, reinstatement or back and front-pay in lieu of reinstatement, interest, costs and attorney's fees.

CASE UPDATES

Coalition to Defend Affirmative Action, Integration and Immigrant Rights and Fight for Equality By Any Means Necessary (BAMN), et al. v Jennifer Granholm, Regents of the University of Michigan, Board of Trustees of Michigan State University, Board of Governors of Wayne State University and Trustees of any other public college or university, community college, or school district. United States District Court, Eastern Division of Michigan. (Judge David M. Lawson) (Filed November 8, 2006).

In 2006, Plaintiffs, including BAMN, The Rainbow PUSH Coalition, a number of high school students in Michigan, college and graduate school students in Michigan, the AFSCME labor organization, and others (collectively, "BAMN Plaintiffs"), filed suit against a list of universities in the State, including the Regents of the University of Michigan. Plaintiffs asserted that Proposal 2, which prohibits preferential treatment on the basis of race, gender, national origin, and ethnicity in public education, public employment, and public contracting, violates the Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution and is preempted by Titles VI and VII of the Civil Rights Act of 1964 and Title IX of the Educational Amendments of 1972. Plaintiffs further alleged that Proposal 2 violates the Universities' First Amendment right to determine their academic standards and to determine the criteria for admission by prohibiting public universities from considering race in their admissions policies. This suit was later consolidated with another suit brought by students, prospective students, and faculty at the University of Michigan (collectively, "Cantrell Plaintiffs") against Governor Granholm – but not any state universities – contending that Proposal 2 violates the Equal Protection Clause of the Fourteenth Amendment.

On March 18, 2008, the Court issued a decision upholding Proposal 2 and dismissing the BAMN and Cantrell suits. The Court found that Plaintiffs had not shown that Proposal 2 was unconstitutional under any of their theories. The Court therefore granted summary judgment to the Attorney General, who had intervened in the case to argue that Proposal 2 was constitutional. The Court granted the Universities' motion to dismiss BAMN's claim that Proposal 2 violated First Amendment principles of academic freedom, agreeing that that right is for the Universities to assert (or not), but otherwise denied the Universities' motion to be dismissed from the case: in the Court's view, the allegations against the Universities stemmed from the same basic facts as those asserted in the case generally and university action would be required to obtain the relief sought by the plaintiffs; accordingly, the Court held, the Universities were proper parties to the litigation.

The Court in a separate opinion issued on March 18, 2008, found that Eric Russell (the law school applicant who had intervened in the case) no longer had a unique interest and dismissed him from the litigation. The Court likewise denied Jennifer Gratz's motion to intervene in the case. Finally, because the Court granted summary judgment to the Attorney General, upholding Prop 2 against Plaintiffs' challenges, the Court denied the various pending discovery motions and class certification motions as moot.

The Cantrell Plaintiffs filed a motion for reconsideration with the district court, which ultimately denied the motion. Eric Russell moved for attorney's fees from the University; that motion was denied on June 17, 2010.

BAMN filed an appeal to the Sixth Circuit, and the Universities cross-appealed the denial of their motion to be dismissed. Both Eric Russell and Jennifer Gratz appealed the Court's rulings to the Sixth Circuit. Jennifer Gratz later filed a motion to withdraw as an appellant, which motion was granted on March 23, 2009, and the Sixth Circuit determined that Eric Russell could participate only as an amicus. The Sixth Circuit panel heard oral argument of the parties' appeals, including the Universities' cross-appeal seeking dismissal from the case, on November 17, 2009.

On July 1, 2011, the Sixth Circuit panel reversed the grant of summary judgment to the Attorney General, found Proposal 2 unconstitutional, and ordered the grant of summary judgment to the BAMN and Cantrell plaintiffs. The Sixth Circuit panel affirmed the decision to dismiss Eric Russell from the suit, and also affirmed the decision to keep the University defendants in the suit. On September 9, 2011, the Sixth Circuit Court of Appeals issued an order stating that the entire court would reconsider the July 1, 2011, decision of the three-judge panel; oral argument was in March 2012.

On November 15, 2012, the Sixth Circuit *en banc* declared Proposal 2 unconstitutional as it relates to public education (specifically, public university admissions). The majority held that Proposal 2 creates for

minorities a "comparative structural burden [that] undermines the Equal Protection Clause's guarantee that all citizens ought to have equal access to the tools of political change." On November 28, 2012, Michigan's Attorney General filed a petition seeking U.S. Supreme Court review of the Sixth Circuit's decision. On November 30, 2012, the Sixth Circuit granted the Michigan Attorney General's earlier request for a stay of its decision, putting the ruling on hold at least until the Supreme Court decides whether it will hear the case. On March 25, 2013, the U.S. Supreme Court agreed to hear the case during its next Term, which effectively continues the stay of the Sixth Circuit en banc decision. On August 21, 2013, the University and Michigan State University filed a joint brief to the U. S. Supreme Court arguing that petitioning the governing boards of UM and MSU is a political process, and that the record does not support the Attorney General's suggestion that UM and MSU could achieve the educational benefits of diversity solely through race-neutral alternatives imported from other states.

**Sheri Barron v University of Michigan and University of Michigan Health System.** U.S. District Court, Eastern District of Michigan, Southern Division. (Judge Mark A. Goldsmith) (Served August 10, 2011).

Plaintiff was a Registered Nurse at the University Hospital. She alleges she was harassed and discriminated against based on her age and disability or perceived disability when, after returning from a disability leave of absence of more than seven years, she was told that she should take a refresher course before she could be returned to work as a registered nurse. Plaintiff claims that she applied for approximately 70 Registered Nurse positions within the University following her leave, and that, after taking the training, she was not promoted from the nurse's-aid position. Plaintiff also alleges that she was told she would not be considered for promotion because of her age. Plaintiff claims she has suffered economic and emotional damages. She seeks judgment against the University, damages, costs, and attorney's fees. On March 12, 2013, Defendants filed a motion to dismiss that was denied on May 30, 2013. On June 19, 2013, the Court awarded defendants costs and attorney's fees as a result of a court filing seeking overdue discovery from plaintiff. On August 28, 2013, Plaintiff's attorney's Motion to Withdraw as counsel was granted. Defendant's Second Motion to Dismiss, that was filed on June 26, 2013, has been set for oral argument for September 23, 2013.

**Senta Reyes v The University of Michigan, Dr. Merle Jaarda, Dr. Patricia Bauer, and Dr. Marilyn Woolfolk.** United States District Court, Eastern District of Michigan. (Judge Nancy G. Edmunds) (Filed December 1, 2011); AND **Senta Reyes v University of Michigan, Dr. Merle Jarda, Dr. Patricia Bauer, and Dr. Marilyn Woolfolk.** Washtenaw County Circuit Court. (Judge Archie C. Brown) (Filed January 25, 2012); AND **Senta Reyes v University of Michigan, Dr. Merle Jaarda, Dr. Patricia Bauer and Dr. Marilyn Woolfolk.** Michigan Court of Claims. (Judge Paula J.M. Manderfield) (Filed March 26, 2012).

Plaintiff was a Dental School student who was dismissed for unsatisfactory academic progress while she was attempting to complete the remediation of her second year as a condition of continued enrollment after she had been previously dismissed for unsatisfactory academic progress. Plaintiff alleges deprivation of her rights to free speech, due process, and equal protection under the U.S. and Michigan Constitutions; racial discrimination; promissory estoppel/detrimental reliance; and breach of contract. Plaintiff claims she has suffered economic damages (including future lost wages and earning capacity), embarrassment, humiliation, outrage, anxiety, mental anguish, and mental and emotional distress. She seeks damages in excess of \$75,000, plus costs, interest, and attorney's fees. Plaintiff filed her state court claims in Washtenaw County Circuit Court. Her counts include violation of the Elliott Larsen Civil Rights Act, violations of due process and equal protection under the Michigan Constitution, promissory estoppel, and breach of contract. On January 15, 2013, the parties stipulated to the dismissal of the 42 U.S.C. Section 1981 claim and the race discrimination claim in the federal case. The parties also stipulated to dismiss named defendant Dr. Merle Jaarda. On January 24, 2013, Defendants filed a motion for summary

disposition in the federal case. On April 2, 2013, the parties stipulated to dismiss the University and named defendant, Dr. Marilyn Woolfolk, with prejudice. On July 18, 2013, Judge Edmunds granted Defendant's Motion to Dismiss the last remaining named defendant, Dr. Bauer, which concludes the federal case.

Regents of the University of Michigan v St. Jude Medical, Inc. United States District Court, Eastern District of Michigan. (Judge Avern Cohn/Magistrate Judge Laurie J. Michelson) (Filed July 2, 2012).

In 1997, the University licensed to St. Jude Medical, Inc. its rights to patents and other technology related to chemical compositions for treating bio-prosthetic tissues. St. Jude has been paying royalties to the University for a number of years, but last year stopped paying, claiming that the University's patents and technology do not cover all the St. Jude products and that therefore the company was entitled to a credit on amounts previously paid. The University filed this lawsuit to recover the royalties that are currently owed, and to protect the University's ability to receive the future royalties to which the University is entitled. Defendant St. Jude filed its Answer with the court, including a counterclaim that the University should have to repay all the royalties since 1998. The University replied to Defendant's counterclaim, denying liability because the claim, among other things, is barred by the Michigan Court of Claims Act. On November 9, 2012, St. Jude Medical filed a Petition for Inter Partes Review at the U.S. Patent Office, seeking reexamination of the patentability of the claims in one of the patents licensed to St. Jude. The University filed an amended complaint for procedural reasons. On December 17, 2012, St. Jude Medical filed an Answer adding a count seeking declaratory judgment that the University's patent is invalid. On December 27, 2012, the University moved to dismiss Defendant's counterclaim given Defendant's failure to file notice with the Michigan Court of Claims as required by Michigan law. On December 31, 2012, the University filed a summary judgment motion seeking an affirmative finding of liability on the license agreement. Defendant filed its opposition to the University's motion to dismiss on January 17, 2013, and the University filed a reply on January 31, 2013. On February 25, 2013, the Court denied the University's motion to dismiss. On March 7, 2013, St. Jude Medical notified the University it was terminating the 1997 license agreement as a matter of right, effective in June 2013. On April 5, 2013, the Court ruled the University could amend its Complaint to add a patent infringement count. On May 31, 2013, the Court granted St. Jude's motion to stay the litigation during Patent Office proceedings. The University and St. Jude will resolve the validity of the patent-in-suit at the Patent Office by 2014, and then the University will reopen the district court litigation to resolve its contract claims and any remaining patent claims. On August 8, 2013, the University filed a Motion to Amend the Complaint to add a patent infringement count against St. Jude Medical. On September 5, 2013, the District Court granted the University's Motion to Amend and Supplement the Complaint to add a count alleging patent infringement by St. Jude Medical; the IPR proceedings are ongoing.

Donald Pines v The University of Michigan. Wayne County Circuit Court. (Judge Patricia Fresard) (Served September 11, 2012).

Plaintiff worked as a billing clerk at the University Hospital. He alleges that, after he complained to his supervisors that he was being sexually harassed by a co-worker, the University engaged in a pattern of harassment and discipline ultimately resulting in Plaintiff being placed on an unpaid medical leave in November 2008. Plaintiff alleges that the University denied him subsequent positions for which he applied and ultimately released him from his employment. Plaintiff brought claims under Michigan's Persons with Disabilities Civil Rights Act, including a claim of Retaliation for Filing a Sexual Harassment Charge. Plaintiff seeks lost wages, lost benefits, emotional damages, interest, costs, and attorney's fees. On December 14, 2012, Judge Fresard granted in part Defendant's motion for summary disposition by dismissing the retaliation claim. On January 4, 2013, the University filed an application for leave to appeal the trial court's denial of the University's motion for summary disposition on the Michigan's Persons with Disabilities Civil Rights Act claim. On July 31, 2013, the Court of Appeals granted Defendant's Application for Leave to

Appeal Judge Fresard's Order denying, in part, the Motion to Dismiss Plaintiff's claims as barred by collateral estoppel.

**Champions Press, L.L.C. v University of Michigan and It's [sic] Athletic Department. Michigan Court of Claims (Served November 15, 2012)**

Plaintiff claims it entered into a written agreement with the University in March 2011 contemplating the joint sale and marketing of a new book publication titled "I Wore 21: The Legend of Desmond Howard." Plaintiff asserts the alleged agreement imposed obligations of the University to "sell 12 sponsorship advertising pages for inclusion in the book, or provide a list of 'preferred' contacts for CP to approach." Plaintiff alleges that the University did not meet these obligations, resulting in alleged damages of over \$145,000. In addition, Plaintiff claims the University breached its obligation to market or sell the book. Plaintiff seeks damages, with interest, costs, and attorney's fees. On September 4, 2013, Defendants filed a Motion for Summary Disposition that is set for oral argument on September 25, 2013.

**Polytorx, LLC, a Michigan Limited Liability Company, v. Regents of the University of Michigan. Court of Claims. (Judge James S. Jamo) (Served May 13, 2013)**

Plaintiff has been a licensee of University patents since June 26, 2003. Plaintiff alleges that faculty in the Civil Engineering Department used the licensed patent rights to perform research and activities outside the scope of the rights retained by the University in the license, and that the faculty and a former graduate student also collaborated in the misappropriation of confidential information and trade secrets that resulted in a patent application being issued in Korea to Sambo Construction (a Korean Company). Plaintiff seeks damages, interest, costs, and attorney's fees. On July 3, 2013, Defendant's filed a Motion for Summary Disposition. On August 28, 2013, Plaintiff filed an Amended Complaint

**Polytorx, LLC a Michigan Limited Liability Company v Antoine Naaman, Sherif El-Tawil, Dong Joo Kim, Ju Young Kim, Ji Yong Kim, and Sambo Construction Machine Co., LTD. Washtenaw County Circuit Court. (Judge Carol Kuhnke) (Filed May 13, 2013)**

Plaintiff has been a licensee of University patents since June 26, 2003. Plaintiff claims the defendants, a current and former faculty member, have engaged in activities that constitute a tortious interference with business relationship and/or contract. Plaintiff alleges the faculty in the Civil Engineering Department engaged in research and activities using the licensed patent rights that were in conflict with the license and collaborating in misappropriation of confidential information and trade secrets that resulted in a patent application being issued in Korea to Sambo Construction (a Korean Company). On July 25, 2013, Defendant's filed a Motion for Summary Disposition.

**Mark Wawrzaszek v Paul Guttman, in his official capacity. United States District Court, Eastern District of Michigan. (Judge Julian Abele Cooke) (Filed June 13, 2013)**

Plaintiff is a construction services employee at the University and a member of the Skilled Trades Union. Plaintiff alleges that he regularly works more than 40 hours a week because of Defendant's policy mandating that he arrive at his work location at the beginning of his work shift. Plaintiff also alleges he is required to arrive at his work vehicle as much as 15 minutes prior to his 7:00 a.m. start time to arrive on time to his various work locations, causing him to work overtime transporting university vehicles to and from his job assignments. Plaintiff claims he is not paid for this alleged overtime. His one-count complaint states Violations of the Fair Labor Standards Act. Plaintiff seeks an injunction preventing Defendant from continuing to deny him lawful paid work time spent transporting university vehicles to and from his assigned work locations. Plaintiff also seeks fees and costs. On September 4, 2013, Plaintiff served Defendants with an Amended Complaint adding additional Plaintiffs.

**CASE RESOLUTIONS**

**Lucrezia Sarcinelli v University of Michigan-Wisconsin Florence Program.** Court of Florence (Italy) – Labor Section.

The University of Michigan administered a study abroad program in Florence, Italy (the “Florence Program”) on behalf of the University of Michigan, the University of Wisconsin and Duke University. The Florence Program existed from the late 1980s until 2011, when UM, Wisconsin and Duke discontinued the program and ceased operations in Florence. Plaintiff was an Italian language instructor for the Florence Program from 1989 until the program was terminated in 2011. Plaintiff filed a petition in the Italian labor court claiming that, notwithstanding that she signed employment agreements with the University (as administrator of the Florence Program) that identified her as an independent contractor, the substance of the employment relationship was such that she should have been deemed a dependent/subordinate employee (*contrattor di lavoro subordinato*) under Italian law. Being deemed a dependent employee under Italian law would have entitled Plaintiff to additional pay and benefits, which she claimed total approximately 400,000 euros over the entire course of her employment with the Florence Program. Settlement was reached between the parties. This case is concluded.

**Debra Shields v University of Michigan.** United States District Court; Eastern District of Michigan. (Judge Lawrence P. Zatkoff) (Filed October 28, 2012).

Plaintiff is a registered nurse working at the East Ann Arbor Medical Procedures Center. Her complaint alleged that, since she testified in an arbitration hearing about a “race-based discharge,” she had been harassed, discriminated against, and retaliated against. She alleged she complained to Human Resources and continued to face harassment. She sought damages, costs, and attorney’s fees. Defendant filed a Motion to Dismiss that was granted by Judge Zatkoff on August 12, 2013, with prejudice.

**Guey-Fang Chao v Board of Regents of the University of Michigan.** Washtenaw County Circuit Court (Judge David Swartz) (Served January 16, 2013)

Plaintiff was employed in the College of Engineering as an Accountant Intermediate until August 2, 2010. She claimed she was discriminated against and constructively discharged in violation of Michigan’s Persons with Disabilities Civil Rights Act. Plaintiff sought damages, reinstatement, interest, costs and attorney’s fees. Plaintiff originally filed a similar claim in federal court alleging violations of the Americans with Disabilities Act. That action was voluntarily dismissed after the University raised the sovereign immunity defense. On July 10, 2013, Defendants filed a motion to dismiss that was denied by Judge Swartz. Settlement was reached between the parties. This case is concluded.

**Yvonne Beach, a Protected Person, by and through her duly appointed Guardian, Brad Beach, and Andersen Beach, a minor, by his Next Friend, Brad Beach v Board of Regents of the University of Michigan.** Michigan Court of Claims (Judge Clinton Canady III) (Served November, 9, 2012); AND **Yvonne Beach, a Protected Person, by and through her duly appointed Guardian, Brad Beach, and Andersen Beach, a minor and his Next Friend Brad Beach v Jade Sanders and Richard Secosky.** Washtenaw County Circuit Court (Judge Donald Shelton) (Filed October 31, 2012); AND **Richard Secosky v Board of Regents of the University of Michigan.** Michigan Court of Claims (Judge Clinton Canady III) (Filed March 22, 2013); AND **Richard C. Secosky v Jade Alexis Sanders.** Washtenaw County Circuit Court (Judge Donald Shelton) (Filed March 26, 2013).

Plaintiff, Yvonne Beach, alleges she was a passenger on a motorcycle when a collision occurred between the motorcycle and a University-owned vehicle operated by a University student intern. Plaintiff claims the vehicle was negligently operated and that she sustained serious impairment of a bodily function and permanent or serious disfigurement as a result of the collision. As a result, Plaintiff claims she will incur economic losses in excess of three years. Plaintiff, Andersen Beach, a minor, claims loss of services by his mother, Yvonne Beach. Plaintiffs seek damages, with interest, costs, and attorney's fees. The motorcycle driver, Richard Secosky, filed companion cases against the University in the Michigan Court of Claims, and against Jade Alexis Sanders in Washtenaw County Circuit Court. An order was issued on April 3, 2013 by the Court of Claims transferring the case against the University to Washtenaw County Circuit Court, and joining it with the pending cases involving the same accident. In *Secosky v Sanders*, on May 22, 2013, Defendant Sanders' Motion for Summary Disposition, based on governmental immunity, was denied. On May 29, 2013, an appeal as of right was filed. In *Beach v. Sanders and Secosky*, on May 22, 2013, Sanders' Motion for Summary Disposition, based on governmental immunity, was denied. An appeal as of right was filed by Sanders on June 5, 2013. In *Secosky v. Regents*, on June 5, 2013, Judge Shelton denied the Regents' Motion for Summary Disposition. The Motion was based upon a claim of defects in the required Notice to the University of the claim. An appeal as of right will be filed. In summary, of the four related cases coming out of the motorcycle/UM van accident, three are on appeal after Judge Shelton denied dispositive motions. On August 14, 2013, Judge Shelton granted Defendant's Motion for Summary Disposition of Andersen Beach's claim.

**Bin Kang, PhD. v. The Regents of the University of Michigan. Washtenaw County Circuit Court (Judge Carol Kuhnke) (Filed May 14, 2013)**

Plaintiff, a former postdoctoral fellow at the University's Department of Biology (now known as the Department of Molecular, Cellular and Developmental Biology), alleged that the University failed to credit him on various research publications. His four-count complaint included claims for Breach of Contract, Fraud, Misrepresentation, and Retaliation. Plaintiff sought compensatory damages. Defendants filed a Motion for Summary Disposition on July 16, 2013, that was granted by Judge Kuhnke on August 28, 2013.

**Douglas M. Smith v Regents of the University of Michigan. Washtenaw County Circuit Court. (Judge David S. Swartz) (Filed June 13, 2012).**

Plaintiff claimed that the Board of Regents violated the Michigan Open Meetings Act when it announced its choice of a law firm to conduct an external evaluation of the handling of a report of a resident physician suspected of possessing child pornography, allegedly without having announced or held a special public meeting to choose that law firm. Plaintiff also alleged that, when he filed a Freedom of Information Act request for documents to show how the Regents chose the consultants, the response from the University was untimely, informed him that much of the responsive material would be exempt from disclosure, and informed him that a fee deposit would be required. Plaintiff asked the court to compel the University to disclose the public records that he requested and sought damages, attorney's fees, and costs. The University filed a motion for summary disposition, which was argued before Judge Swartz on October 31, 2012. At that hearing, the court concluded that it was unable to decide the motion without the benefit of an evidentiary hearing. On November 30, 2012, Defendant filed a Motion for Reconsideration. On April 15, 2013, Judge Swartz entered an Order granting Defendant's motion for reconsideration, dismissing Plaintiff's claim under the Michigan Open Meetings Act, and setting procedures related to Plaintiff's Freedom of information Act Claims. On August 31, 2013, Defendant's Motion for Order Granting Defendant's Pending Motion for Summary Disposition was granted.

**Eldred B. Meadows v University of Michigan, School of Music and Laura Hoffman. Washtenaw County Circuit Court. (Judge Carol Kuhnke) (Served June 14, 2013)**

Eldred Meadows was enrolled in a non-degree program at the School of Music, Theater and Dance, from 1992-1994. His enrollment was suspended for failure to make adequate progress but he continued to visit campus and send disturbing and unwelcomed communications to a School of Music employee. This resulted in U-M Department of Public Safety issuing a trespass and no-contact order. Plaintiff alleged sexual harassment and discrimination based upon race, creed, color, and religion (as a Muslim). Plaintiff filed a similar suit in 2003 while in prison; that suit was dismissed. Plaintiff sought full pay for the educational goals for him and his immediate family and grandsons. Defendants filed a Motion for Accelerated Judgment and Dismissal on July 3, 2013, that was granted by Judge Kuhnke on July 17, 2013.

Respectfully submitted,



Timothy G. Lynch  
Vice President & General Counsel

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