

THE UNIVERSITY OF MICHIGAN  
REGENTS COMMUNICATION  
ITEM FOR INFORMATION

Subject: Litigation

September 2016

NEW CASES

Eric Scott v University of Michigan. United States District Court, Eastern District of Michigan (Judge Paul D. Borman) (Served July 20, 2016)

Plaintiff was a clinical nurse supervisor in the Emergency Department at the University. He claims he was subjected to a hostile work environment and discrimination based on his race and age and was denied due process prior to being discharged. Plaintiff's claims include intentional infliction of emotional distress, loss of income, damage to reputation, mental or emotional distress, and embarrassment and humiliation. Plaintiff seeks damages, costs, interest, and attorney's fees.

CASE UPDATES

Roberta Proft v The Board of Regents of the University of Michigan. Court of Claims (Judge Deborah Servitto) (Served September 23, 2014)

Plaintiff brings a breach of contract claim against the University out of an alleged denial of her Long Term Disability benefits. She seeks past-due benefits, reinstatement of her eligibility for ongoing benefits, together with interest, costs, and attorney's fees. Defendant filed a motion for summary disposition that was denied on July 12, 2016. Defendant filed a motion for reconsideration that was denied.

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 patient transportation department, allege they were discharged from their respective positions because of their ages. Plaintiffs' claims include embarrassment and humiliation, pain and suffering, and harm to reputation. Plaintiffs seek 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 have thirty days from the entry of the Order to pay the award to the University. 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.

April Lakey v University of Michigan Hospital. United States District Court, Eastern District of Michigan (Judge Marianne O. Battani) (Served May 29, 2015)

Plaintiff, a Call Center Representative in the Otolaryngology Department, alleges she has been paid less than her Caucasian coworkers and denied a promotion because of her race. Plaintiff claims she has suffered lost wages and benefits and seeks damages, with interest, costs and attorney's fees. On July 26, 2016, Defendant filed a motion for summary judgment. A hearing is scheduled for October 27, 2016 on this motion and a motion for Rule 11 sanctions.

Carmen Green v The Board of Regents of the University of Michigan. Washtenaw County Circuit Court (Judge Timothy Connors) (Served September 22, 2015)

Plaintiff, a University of Michigan physician and medical school professor, filed a three-count Complaint alleging retaliation in violation of the Michigan Elliott Civil Rights Act after her administrative appointment as Associate Vice President and Associate Dean for the Office for Health and Equity Inclusion ("OHEI") was terminated. Plaintiff has retained her position as a tenured medical school faculty member. Plaintiff claims the termination as an Associate Dean was in retaliation for addressing discrimination in access to healthcare and healthcare facilities, addressing racial disparity in patient outcomes, and addressing alleged discriminatory employment practices. Plaintiff seeks in excess of \$25,000, lost wages, fringe benefits, interest, costs, and attorney's fees. Plaintiff also seeks injunctive relief. Defendant filed a motion for summary disposition on August 16, 2016.

### CASE RESOLUTIONS

Jennifer Dibbern v The University of Michigan, a Domestic Nonprofit Corporation, the Board of Regents of The University of Michigan, a public constitutional body corporate, Mary Sue Coleman, President of The University of Michigan, an individual acting in her official capacity, Rachel S. Goldman, in her individual and official capacity, Tresa Pollock, in her individual and official capacity and Peter Green, in his individual and official capacity. United States District Court, Eastern District of Michigan. (Judge Sean F. Cox) (Filed December 21, 2012)

Plaintiff was a graduate student in materials science engineering at the University. She alleged she was dismissed from the graduate program in December 2011 after reporting incidents of peer-to-peer sexual and gender-based harassment in the College of Engineering and claims she was retaliated against for attempting to remedy a sexually hostile environment. Settlement has been reached between the parties. This case is concluded.

Regents of the University of Michigan v Jennifer Jordan. Washtenaw County Circuit Court. (Judge Donald Shelton) (Filed July 31, 2012); **AND** Regents of the University of Michigan v Jennifer Jordan, Hurley Myers, and Alicia Myers. Washtenaw County Circuit Court. (Judge Donald Shelton) (Filed January 25, 2013)

In 1996, Defendant, a University employee at the time, applied and was approved for Long Term Disability ("LTD") Benefits. Plaintiff signed the LTD reimbursement agreement agreeing to reimburse the University for any Social Security Benefits ("SSB") she received that exceeded the benefit limits of the LTD plan. Plaintiff was granted a retroactive award of SSB but she refused to pay the University the \$109,797.27 she owed in LTD benefits for the period she received *double* payment from both LTD and SSB. The University filed a Complaint on July 31, 2012, claiming breach of contract and unjust enrichment and sought a monetary judgment against defendant for \$109,797.27, plus interest, costs, and attorney's fees. On November 14, 2012, Judge Shelton entered a judgment in favor of the University. Post-judgment discovery revealed transfers of money and property to others that did not appear to have been for fair value. On January 25, 2013, a Complaint was filed against Plaintiff's husband (Hurley Myers) for \$51,800 and her daughter (Alicia Myers) for \$16,500 to recover those transfers. Defendant filed for bankruptcy and the University's claims are now part of the bankruptcy proceedings.

In re Estate of Christian Schroeder, Deceased. (Probate case) Christina Schroeder, Petitioner v. T. Brent Jenkins, as Personal Representative of the Estate of Christian F. Schroeder, Sara Schmidt, Irina Geidel, as custodial parent of Anastasia Geidel, Daytona Twin Tec, LLC, Daytona Sensors, LLC, and the University of Michigan College of Engineering. (Seventh Judicial Circuit, in and for Volusia County, Florida) AND In re Estate of Christian Schroeder, Deceased. (Wrongful Death case) Christina Schroeder, Individual and as Personal Representative of the Estate of Garrent Schroeder, Plaintiff v. T. Brent Jenkins, as Personal Representative of the Estate of Christian F. Schroeder, Sara Schmidt, Irina Geidel, as custodial parent of Anastasia Geidel, Daytona Twin Tec, LLC, Daytona Sensors, LLC, and the University of Michigan College of Engineering. (Seventh Judicial Circuit, in and for Volusia County, Florida)

As a result of decedent Christian Schroeder's son's death, the University's College of Engineering is to receive 70% of the Estate. The decedent's ex-wife (mother of son) sued decedent's estate in the probate court, stating that the decedent prevented his son from taking his share of the estate because the decedent's treatment of the son led him to commit suicide. Decedent's ex-wife also filed a wrongful death claim against the decedent's estate, again stating that the father's treatment of the son resulted in his suicide. Settlement has been reached between the parties. This case is concluded.

Jennifer Peters v University of Michigan Health System. United States District Court, Eastern District of Michigan (Judge Nancy G. Edmonds) (Served March 10, 2016)

Plaintiff was an MRI Technologist for the Radiology Department at the University's East Ann Arbor location. Plaintiff claimed she was denied Family Medical Leave Act (FMLA) time and subsequently discharged because of a performance error that she denies. Plaintiff claimed a violation of the FMLA and Michigan's Persons with Disabilities Civil Rights Act. Plaintiff alleged she has suffered economic damages, lost wages and benefits, emotional distress, anguish, and pain and suffering. Plaintiff sought back pay, punitive damages, equitable relief such as reinstatement and/or back-pay and front-pay in lieu of reinstatement, interest, costs, and attorney's fees. Settlement has been reached between the parties. This case is concluded.

Respectfully submitted,



Timothy G. Lynch  
Vice President & General Counsel

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