

THE UNIVERSITY OF MICHIGAN
REGENTS COMMUNICATION
ITEM FOR INFORMATION

EXH	MOTION
	SECT 30
	ACTION
November 2005	
NOTE	APPROVED BY THE REGENTS
NOV 17 2005	

Subject: Litigation

I. NEW CASES

1. Ann LaCivita v Board of Regents of the University of Michigan. Washtenaw County Circuit Court. (Judge Melinda Morris) (Filed October 6, 2006).

Ms. LaCivita was the Director of Alumni Relations at the School of Business Administration until her termination in February 2005. She claims that Dean Dolan and Assistant Dean Andreassen targeted her because of her age and gender and ultimately wrongfully discharged her. She claims violations of the Elliott-Larsen Civil Rights Act and seeks lost compensation, costs, attorney's fees and interest.

II. RESOLUTIONS

2. Mary Tipton v University of Michigan. Michigan Court of Claims. (Judge Thomas L. Brown) (Served December 6, 2004).

Plaintiff is a former operating room aide at the hospital. In 2002, Plaintiff went on a Family Medical Leave Act (FMLA) leave of absence. The University informed her that her FMLA leave ended on October 22, 2004 but plaintiff failed to return to work, arguing that she still had two weeks of FMLA leave to which she was entitled. Plaintiff claims that the University breached the union contract, violated public policy for discharging her without just cause, and failed to provide adequate due process. She seeks lost and future wages, damages, costs and attorney's fees. The University filed a motion for summary disposition which was granted by the court. Plaintiff filed an appeal with the Michigan Court of Appeals which was denied.

3. Cindy Wells v University of Michigan. Washtenaw County Circuit Court. (Judge Donald E. Shelton) (Served January 13, 2005).

Plaintiff, a former employee at the University Medical Center, claims that she was discharged by the University in retaliation for having filed a complaint with the Michigan Occupational Safety & Health Administration about alleged violations of HIPAA by the University. She seeks damages in excess of \$25,000, reinstatement, attorney fees, costs and interest. Settlement was reached between the parties and the case is concluded.

III. CASE UPDATES

4. Afzal Hossain v Daniel Little, Board of Regents of the University of Michigan, Malayappan Shridhar and Subrata Sengupta. United States District Court for the Eastern District of Michigan. (Judge George Caram Steeh) (Filed August 31, 2005).

Plaintiff was hired as an Assistant Professor in the College of Engineering and Computer Science on the Dearborn campus. He claims that he was discriminated against while employed in that position and was ultimately denied tenure because of his national origin (Bangladesh) and religion (Muslim). Plaintiff's twenty-one counts include breach of contract, negligent training and supervision, infliction of emotional distress, religious and national origin discrimination, wrongful denial of tenure and hostile work environment. He seeks reinstatement, damages, attorney's fees, back wages and other relief. A motion to dismiss was filed on behalf of the defendants on October 14, 2005.

Respectfully submitted,



Marvin Krislov
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Vice President and General Counsel

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