

THE UNIVERSITY OF MICHIGAN  
REGENTS COMMUNICATION  
ITEM FOR INFORMATION

Received by the Regents  
November 15, 2007

Subject: Litigation

November 2007

I. NEW CASES

1. Jessica F. Jackson v Board of Regents of the University of Michigan. Michigan Court of Claims. (Judge James R. Giddings) (Filed October 8, 2007); Jessica F. Jackson v Michael Borts. Washtenaw County Circuit Court. (Judge David S. Swartz) (Filed October 11, 2007).

Ms. Jackson claims that a University of Michigan bus, driven by Defendant Michael Borts, rear-ended and struck her car, causing her severe bodily injuries, emotional damage, pain and suffering. She claims that the accident was caused by the bus driver's negligence and that the University failed to keep the vehicle in good working order. She seeks damages in excess of \$25,000 as well as costs, interest and attorney's fees.

2. Jane Doe v Thomas Higgins, ACSW and University of Michigan Board of Regents. Washtenaw County Circuit Court. (Judge Donald E. Shelton) (Filed October 24, 2007).

Plaintiff claims that her medical provider(s) referred her to the University's Med Rehab Adult Day Treatment Program following a traumatic brain injury and that her assigned interdisciplinary team included Defendant Higgins as the staff social worker. Plaintiff alleges that Higgins sexually abused and exploited her during the course of her treatment with him, which caused her to suffer, among other things, mental and emotional distress, physical pain and suffering, suicidal ideation and loss of earnings and/or earning capacity. Against Defendant Higgins, Plaintiff alleges sexual assault, sexual battery, intentional infliction of emotional distress, fraud and violation of civil rights. Plaintiff also claims that Higgins' sexual harassment created a hostile environment and that the University is liable. Plaintiff seeks damages, costs, interest and attorney's fees.

II. RESOLUTIONS

3. Mary Wilcox v Regents of the University of Michigan. Washtenaw County Circuit Court. (Judge Melinda Morris) (Filed December 23, 2005)

Plaintiff was employed as a Police Officer at the University of Michigan's Department of Public Safety. She claims that she was subjected to ongoing sexual harassment. Plaintiff alleges that she was passed over for open positions, suspended and subsequently forced to resign in retaliation for complaining of sexual harassment. The EEOC investigated Plaintiff's allegations and dismissed the complaint. Plaintiff seeks damages, attorney fees, costs, and interest. The University filed a motion for summary disposition which was denied by the court. Settlement was reached between the parties and the case is concluded.

### III. CASE UPDATES

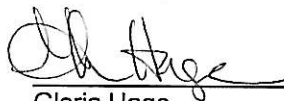
4. Sandra Fernandez v Board of Regents of the University of Michigan. Washtenaw County Circuit Court. (Judge Timothy Connors) (Filed March 17, 2005).

This complaint was filed by a former medical school student. She claims that, while in medical school, she was diagnosed with a medical condition that required her to request accommodations for test taking, which the University provided. Ultimately, however, Ms. Fernandez was dismissed from medical school because of failing grades. She alleges that the University failed to properly accommodate her. She also claims that she was treated differently because of her national origin, which claims she later withdrew voluntarily. Plaintiff seeks judgment against the University, damages, reinstatement, costs, interest and attorney fees. The University filed a motion for summary disposition, which was granted by the court on December 7, 2006 and the case was dismissed. Plaintiff filed a claim of appeal to the Michigan Court of Appeals; oral argument will be heard on November 6, 2007.

5. Mary C. Lee v University of Michigan-Dearborn and Robert L. Simpson. Michigan Court of Claims. (Judge James R. Giddings) (Filed March 13, 2006); removed to United States District Court, Western District of Michigan (Judge Hugh W. Brenneman, Jr.) (April 27, 2006).

Plaintiff is a former student at the Dearborn campus who was expelled from campus for violations of the Code of Student Conduct. She claims that the University's hearing board and code appeals council decisions were improper, that the University has breached its contract with her as a student, and that Dr. Simpson's denial to reconvene the code appeals council violated her due process rights. She seeks a review of the University's expulsion decisions, money damages, costs and attorney's fees. The case was removed to federal court and the University filed a motion for summary judgment. On September 28, 2007, Judge Brenneman ruled favorably on the University's motion in part, dismissing plaintiff's claims except for the breach of contract claim which was remanded to the Michigan Court of Claims. Plaintiff filed a notice of appeal to the Sixth Circuit Court of Appeals on the dismissal of her constitutional claims and her claim under the Michigan Administrative Procedures Act. Oral argument on her breach of contract claim will be heard by Judge Giddings in January 2008.

Respectfully submitted,



Gloria Hage  
Interim Vice President and General Counsel