

THE UNIVERSITY OF MICHIGAN
REGENTS COMMUNICATION
ITEM FOR INFORMATION

EXH

MOTION

APPROVED BY THE REGENTS

ACTING

DEC 15 2005

December 2005

NOTE

Subject: Litigation

I. NEW CASES

1. Rose Andrews v University of Michigan-Flint. Michigan Court of Claims. (Judge Paula J.M. Manderfield) (Served November 14, 2005).

Plaintiff is a former student at the Flint campus. She claims that the University incorrectly charged her tuition for summer 2001 classes, resulting in her being unable to enroll or receive financial aid until the balance was paid. She claims that the University inappropriately encumbered her fall 2001 financial aid funds to pay that balance, thus converting her personal property (funds) for its own use. She seeks judgment in the amount of \$4,476.00, as well as interest, costs, attorney's fees and the ability to re-enroll at UM-Flint.

II. RESOLUTIONS

2. Health, Education and Research Associates, Inc. v Centerbrook Architects and Planners and The Regents of the University of Michigan. St. Louis County Circuit Court, State of Missouri. (Served July 27, 2005).

This is a breach of contract case. Plaintiff (HERA) claims that it contracted with Centerbrook to provide laboratory design services for the UM School of Public Health. HERA claims that it has completed the work but has failed to receive the agreed-upon fee, due and owing by Centerbrook. Plaintiff also claims unjust enrichment by the University. Plaintiff seeks \$42,915 plus costs and interest. The University filed a motion to dismiss which was granted by the court, which agreed that it lacked jurisdiction over the University.

3. Howard Schwartz and the Michigan Association of Scholars v The University of Michigan. Oakland County Circuit Court. (Judge Nanci J. Grant) (Filed March 18, 2004).

This is an action for disclosure of records under the Michigan Freedom of Information Act. Chetly Zarko and Howard Schwartz, President of the Michigan Association of Scholars, sent a FOIA request to the University requesting data from a study conducted at the University (the "Michigan Student Study"). The request was denied pursuant to the Confidential Research Information Act. Plaintiffs claim that the documents are not exempt from disclosure and seek access to the records, costs and attorneys' fees. Settlement was reached between the parties and the case is dismissed.

4. Kristi L. Priestler v University of Michigan Health System and Michelle Hicks. Wayne County Circuit Court. (Honorable Isidore B. Torres) (Filed February 5, 2004)

Plaintiff claims that University health system employee Michelle Hicks improperly gained access to Plaintiff's medical record and disclosed details of that medical information to other individuals. She also claims that the University is liable for the damages caused by defendant Hicks' actions. Plaintiff's allegations include breach of privacy, violation of HIPAA, libel and slander by defendant Hicks and intentional infliction of emotional distress. She seeks judgment in excess of \$25,000, including costs, interest and attorney's fees. The University was dismissed from the case.

5. NC Servo v University of Michigan and Robert Vogt IV. 18th District Court. (Judge Gail McKnight) (Filed April 2004).

Plaintiff is an automotive components repair shop in Westland, Michigan. Plaintiff claims that it contracted with Robert Vogt, graduate student in engineering, on behalf of the Solar Car team for repair of equipment/auto parts used on the solar car. Plaintiff seeks \$750 in damages for services he alleges to have performed. Plaintiff stipulated to a dismissal of the case.

6. Sara Birdsall v University of Michigan and Universal Credit Services. U.S. Bankruptcy Court, Eastern District of Michigan, Southern Division-Detroit. (Judge Phillip Shefferly) (Filed April 2004).

Plaintiff was a patient at the University of Michigan Hospitals. When her patient account remained unpaid after the usual timeframe for payment, her account was referred to UMHS' collection agency, co-defendant Universal Credit Services. Plaintiff filed Chapter 13 bankruptcy, after which time defendants inadvertently sent her two routine, computer-generated collection notices. She has filed a motion for sanctions for emotional distress as well as punitive damages and reimbursement of her attorney fees. Settlement was reached between the parties and the case is dismissed.

7. Watson Health Care v Board of Regents of the University of Michigan. Michigan Court of Claims. (Judge William E. Collette) (Filed May 14, 2004).

The son of a University employee, covered under the University's health care plan, suffered a debilitating injury that requires around-the-clock nursing care. That care has been provided by Plaintiff. Medical bills submitted to the health plan have exhausted the maximum benefit of \$1 million for dependent children of staff members. Plaintiff seeks payment of its bills that remain unpaid under the plan in the amount of \$75,135.35, claiming that the University did not properly inform the employee nor the service providers, including Plaintiff, that the benefits were close to being exhausted. Plaintiff seeks payment of \$75,135.35, costs and attorney's fees. Settlement was reached between the parties and the case is dismissed.

8. Russell v VanCamp v M-Care. Wayne County Circuit Court. (Judge William J. Giovan) (Filed November 12, 2004)

Plaintiff was insured by M-Care and claims that his policy included coverage for in-patient treatment for chemical dependency at Brighton Hospital. He claims that M-Care breached its insurance policy

by failing to provide coverage for that treatment. He seeks \$14,435.42 in damages, plus interest, costs and attorney fees. A settlement was reached between the parties and the case is dismissed.

9. Darrell Sanderford v University of Michigan. Washtenaw County Circuit Court. (Judge Timothy Connors) (Served July 19, 2004).

Plaintiff is a current employee at the Hospital. He claims that he is handicapped within the meaning of the Handicappers' Civil Rights Act and that he has been denied promotions because of that handicap. He claims that he has suffered damages, including wage losses, emotional pain and suffering. The University filed a motion for summary disposition, which was denied. Settlement was reached between the parties and the case was dismissed.

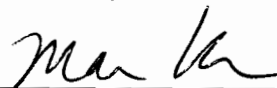
10. Kevin A. Graves v Robert Thompson. United States District Court, Eastern District of Michigan. (Judge Patrick J. Duggan) (Filed August 30, 2005).

Plaintiff was employed as a Research Associate at the University in the Mental Health Research Institute. He claims that he was sexually harassed by his female colleagues and that, even after he complained to his supervisor Robert Thompson, the treatment continued. His employment was terminated in October 2004 and Plaintiff alleges that he was fired because of his gender and because he had complained about the sexual harassment. He seeks lost wages and benefits (both past and future), damages, costs and attorney's fees. The University filed a motion to dismiss on behalf of Defendant Thompson. Before the court could issue an opinion on that motion, Plaintiff stipulated to dismiss the case in its entirety, with prejudice. This case is concluded.

11. Thomas Komorowski v Martin Philbert, Patrice Somerville and Board of Regents of the University of Michigan. Washtenaw County Circuit Court. (Judge Donald E. Shelton) (Filed March 19, 2004).

Plaintiff was employed as a Senior Research Associate in a University laboratory supervised by defendant Philbert, until plaintiff's lay-off on December 23, 2003. Plaintiff claims that he had complained of suspected violations of state and federal law by defendants Philbert and Somerville, relating to their management of grant funds and that, shortly thereafter, he was informed that he would be laid off because of funding. His allegations include a violation of the Whistleblowers' Protection Act, age discrimination, retaliation and conspiracy. He seeks lost wages, damages, reinstatement, attorney's fees, costs and interest. The University filed a motion for partial summary disposition, which was granted in part by Judge Shelton. The only claims that remain in the case are breach of contract, fraud and misrepresentation. Judge Shelton also denied Plaintiff's motion for partial summary disposition on the breach of contract claim. Trial is set for November 2005. Settlement was reached between the parties and the case has been dismissed.

Respectfully submitted,



Marvin Krislov
Vice President and General Counsel