

# F2G

**Office of the General Counsel**

**TO MEMBERS OF THE COMMITTEE ON FINANCE:**

**INFORMATION ITEM**

*For Meeting of July 15, 2009*

**REPORT OF NEW LITIGATION**

The attached chart summarizes information concerning new litigation filed.

**NEW LITIGATION AND ARBITRATION PROCEEDINGS**

*Report Period: 2/14/09 – 6/3/09*

*Regents Meeting*

*July 2009*

<b><u>Plaintiff</u></b>	<b><u>Location</u></b>	<b><u>Nature of Dispute Alleged by Plaintiff</u></b>	<b><u>Forum</u></b>
<b><u>Employment Cases</u></b>			
Austin, Noelle	UCDMC	Discrimination (race), wrongful termination, harassment and retaliation	Sacramento County Superior Court
Berry, John	UCSF	Discrimination	U.S. District Court, Northern District of California
Bishop-Smith, Iris	UCDMC	Discrimination (disability), intentional and negligent infliction of emotional distress	Sacramento County Superior Court
Black, Kenneth	UCD	Discrimination (race), harassment, retaliation, whistleblower retaliation	Yolo County Superior Court
Chang, Calvin	UCD	Discrimination (race, sexual orientation), failure to prevent harassment, retaliation, and intentional infliction of emotional distress	Sacramento County Superior Court
Cube, Valentin-Catalino	UCSF	Discrimination (disability), failure to accommodate, harassment and retaliation	San Francisco County Superior Court
De Souza, Mercedes	UCSF	Discrimination, retaliation	San Francisco County Superior Court
Flores, Guillermo; Menendez, Miguel	UCLAMC	Discrimination (age), wrongful termination	Los Angeles County Superior Court
Kessler, David A.	UCSF	Retaliation in violation of free speech	U.S. District Court, Northern District of California

Le, Chithien	UCD	Discrimination (race, disability), intentional infliction of emotional distress	Sacramento County Superior Court
Sharma, Sneha	UCB	Discrimination (age)	Alameda County Superior Court
Yuen-Naples, Lai Yee	UCSF	Discrimination, wrongful termination	San Francisco County Superior Court

**Professional Liability Cases**

Barkhordar, Parham	UCLA-SM	Professional negligence	Los Angeles County Superior Court
Cheng, Lawrence (decedent), Margaret Cheng	UCI	Breach of medical and professional obligation	Orange County Superior Court
Cohen, Norma	UCLA-SM	Elder abuse, negligence	Kern County Superior Court
Cooperman, Frank (decedent), Debra Cooperman, Angela and Rachael Cooperman, minors	UCD	Wrongful death	Sacramento County Superior Court
Dahlquist, Dylan, Ann Preszler, Guardian ad Litem	UCD	Medical malpractice, general negligence	Sacramento County Superior Court
DiMarco, Rosario	UCLA	Medical negligence	Los Angeles County Superior Court
Erlanson, John (decedent), Doris Erlanson	UCSF	Wrongful death, medical malpractice, school liability, survival claims	San Francisco County Superior Court
Ermshar, Arthur (decedent), Christine Ermshar, Karen Ermshar and Wendy Ermshar	UCD	Medical negligence, wrongful death	Placer County Superior Court

Farr, Logan (minor) Sydnee Soter, Guardian ad Litem	UCLA	Medical malpractice, negligence, negligent infliction of emotional distress	Los Angeles County Superior Court
Farrell, Betty J.	UCLA	Medical malpractice negligence, res ipsa loquitur, battery, fraud and deceit, product defect, negligent infliction of emotional distress	Los Angeles County Superior Court
Flores, Mario (decedent), Flores, Alfred	UCLA	Medical malpractice and wrongful death	Los Angeles County Superior Court
Hairston, D'Knawn	UCD	Medical negligence	Sacramento County Superior Court
Harvey, Henry B.	UCSD	Negligence, medical malpractice	San Diego County Superior Court
Hindu, Claudia	UCLA	Damages for lack of informed consent, battery, invasion of constitutional right to privacy, fraud, negligence	Los Angeles County Superior Court
Holland-Gianni, Cheryl	UCSF	Medical malpractice, loss of consortium	San Francisco County Superior Court
Karrim, Juliana (decedent), Felix Chen Felix	UCSF	Medical negligence, wrongful death	San Francisco County Superior Court
Keane, Lisa	UCD	Medical negligence, lack of informed consent	Sacramento County Superior Court
King, Robert	UCLA	Negligence	Los Angeles County Superior Court
Loupy Michelle	UCSF	Medical malpractice	San Francisco County Superior Court
Mauritz, Barbara	UCSF	Medical malpractice/wrongful death, negligent and intentional infliction of mental distress and EMTALA	San Francisco County Superior Court
Pak, Susan and Albert Eng	UCSF	Medical malpractice and loss of consortium	San Francisco County Superior Court

Perez, Ginette	UCLA-SM	Medical negligence	Los Angeles County Superior Court
Purtill, Thomas	UCSD	Medical malpractice; general negligence	San Diego County Superior Court
Riahy, Mahmoud (decedent) Vafa and Roya Riahy	UCSD	Wrongful death, medical malpractice, lack of informed consent and survivor	San Diego County Superior Court
Sakkour, Ammar, M.D., Suzanne Kafaja, M.D.	UCLA	Medical malpractice, loss of consortium	Los Angeles County Superior Court
Sanchez, Matilde	UCLA	Medical negligence, malpractice	Los Angeles County Superior Court
Santana, Alizae (minor) Sarah Schimpf, Guardian ad Litem	UCD	Premise liability, negligent supervision/ instruction, personal liability, negligent supervision of child, medical malpractice	Sacramento County Superior Court
Shaham, Daniel	UCLA	Personal injuries (medical malpractice)	Los Angeles County Superior Court
Shugart, Christine and Michael Shugart	UCLA	Medical malpractice, loss of consortium	Los Angeles County Superior Court
Solares, Oscar E.	UCLA	Medical malpractice	Los Angeles County Superior Court
Swerdlow, Barry N., M.D.	UCLA	Medical malpractice	Los Angeles County Superior Court
Taylor, Ward	UCSF	Medical negligence	San Francisco County Superior Court
Trotter, Donald	UCLA	Medical malpractice, lack of informed consent, loss of consortium	Los Angeles County Superior Court
Ward, Cecelia	UCLA	Medical malpractice; negligence and res ipsa loquitur	Los Angeles County Superior Court
White, Trevor	UCI	Medical negligence	Orange County Superior Court
Yang, David	UCI	Negligence	Orange County Superior Court

### Other Cases

A-Albe, Inc., dba Fume-a-Pest and Termite Control	UCLA	Breach of contract, quantum meruit	Los Angeles County Superior Court
Antrim, James	UCOP	Personal injury – asbestos	San Francisco County Superior Court
Boone, Andrea	UCLA	Personal injury – slip and fall	Los Angeles County Superior Court
California Shock Trauma Air Rescue		Declaratory relief; breach of implied-in-law contract (quantum meruit); unjust enrichment; money due on open book account	U.S. District Court, Eastern District of California
Codrington, Lynette	UCLA	Personal injury – motor vehicle	Los Angeles County Superior Court
Cook, Aaron	UCSD	Negligence, premises liability	San Diego County Superior Court
Courtney Waterproofing, Inc.	UCLA	Breach of contract, enforcement of claim on payment bond, quantum meruit	Los Angeles County Superior Court
Echt, Robert	LLNL	Personal injury alleging dangerous and unsafe condition of property.	Santa Clara County Superior Court
Elg, Lourdes and Flores, Maria	UCSD	Sexual harassment; failure to prevent harassment; retaliation; discrimination wrongful termination in violation of public policy brought by plaintiffs Elg and Flores against The Regents, employee Hermilo Pineda, and Image Staffing, Inc.	San Diego County Superior Court
Everett, Nancy	UCOP	Breach of contract – severance agreement	Alameda County Superior Court
Feldhammer, Jon, and Rachel Kuperman	UCSF	Breach of housing rental contract, breach of implied covenant of good faith and fair dealing, violation of Fair Debt Collection Practices Act	San Francisco County Superior Court

Goldin, Constance	UCSD	Personal injury – motor vehicle	San Diego County Superior Court
Grigsby, Taylor	UCSB	Personal injury – dangerous condition of property, negligence, emotional distress	Santa Barbara County Superior Court
Haase, Warren	UCOP	Personal injury – asbestos	San Francisco County Superior Court
Hong, Juan	Systemwide	Injunctive relief challenge to limit on freshman enrollment	Orange County Superior Court
Johnson, Estate of Edward	UCOP	Petition to determine heirship (Probate Code § 11700)	Alameda County Superior Court
Kemper, Edward L.	UCDMC	Discrimination (disability access)	Sacramento County Superior Court
Kerr, Rebecca	UCDMC	Personal injury – slip and fall	Sacramento County Superior Court
Lewis, Lorin	UCOP	Personal injury – asbestos	San Francisco County Superior Court
May, Florence	UCOP	Property damage, personal injury, general and special damages	Santa Clara County Superior Court
Millard, Eugene	UCOP	Personal injury – asbestos	San Francisco County Superior Court
Millenbah, John	UCSD	Personal injury – slip and fall	San Diego County Superior Court
Miller, Owen	UCLA	Premises liability	Los Angeles County Superior Court
Murphy, Karlyn	UCSD	Personal Injury – struck in the head by a falling goal post at soccer game.	San Diego County Superior Court
Perlmutter, Lester	UCSDMC	Unfair business practices and related torts arising from patient billing	San Diego County Superior Court
Pompa, Richard	UCR	Injunctive relief – harassment and violations of civil rights	U.S. District Court, Central District of California

Progressive Floor Covering Inc.	UCSB	Breach of contract; work, labor, services/ agreed price; open book account; account stated; reasonable value/work, labor, service; breach of implied covenant of good faith and fair dealing; failure to provide adequate plans and specifications; claim against public works payment bond	Santa Barbara County Superior Court
Rapozo, Melvin	UCOP	Personal injury – asbestos	San Francisco County Superior Court
Regents	UCSFMC	Monies paid by mistake; unjust enrichment; quantum meruit (lawsuit filed against Marlene Taloban)	San Francisco County Superior Court
The Richards Group, Inc.	UCLA	Collection action	County Court, Dallas County, Texas
Richardson, James C., Conservator	UCOP	Petition under Probate Code § 850	Alameda County Superior Court
Salem, Mahnaz	UCLAMC	Malicious prosecution, retaliation	Los Angeles County Superior Court
Schram Construction	UCSF	Petition for writ of mandate, declaratory and injunctive relief – unfair business practices	San Francisco County Superior Court
Tutor-Saliba-Perini	UCLA	Breach of contract (see item F5G(XX) for additional detail)	Los Angeles County Superior Court
Utterback, Wiley and Ellen	UCOP	Personal injury – asbestos	San Francisco County Superior Court
Western Surety Company	UCD	Complaint for interpleader (this is the only cause of action asserted against the Regents); express indemnity; implied indemnity; statutory reimbursement	Los Angeles County Superior Court
Weston, Eric	UCOP	Personal injury – asbestos	Alameda County Superior Court



Wilson, Julian	UCR	Breach of contract; violation of civil rights; professional negligence; negligence	Riverside County Superior Court
Yablonski, Gabrielle	UCLA	Petition for writ of mandate to compel readmission to Ph.D. program	Los Angeles County Superior Court
Zada, Tray	UCSB	Dangerous condition of property, premises liability, failure to discharge mandatory duty	Santa Barbara County Superior Court
Zaragoza, Jose Jesus	LLNL	Personal injury – motor vehicle	Alameda County Superior Court
Zochlinski, Howard Alan	UCD	Peremptory writ of mandate and writ of prohibition	Yolo County Superior Court

**Public Employment Relations Board (“PERB”)**  
**Unfair Practices Alleged by Charging Party**

CUE (Coalition of University Employees) SF-CE-880-H	San Francisco Medical Center	University refused to hire an Administrative Assistant III/Scheduler into a new position (Analyst Coder-1) in retaliation for participation in union activities.	PERB
AFSCME (American Federation of State, County and Municipal Employees) SF-CE-881-H	San Francisco Medical Center	University unilaterally terminated negotiations over travel requirements and travel compensation without notice, notified the union of its intent to unilaterally implement changes in travel requirement for represented employees, and implemented changes in travel compensation.	PERB
CUE (Coalition of University Employees) SF-CE-882-H	Berkeley	Termination in retaliation for Assistant I’s participation in union activities.	PERB

CUE (Coalition of University Employees) SF-CE-883-H	San Francisco Medical Center	University failed to meet and confer in good faith with the union, the exclusive representative of clerical employees at the Medical Center, failed to respond and provide requested information.	PERB
CUE (Coalition of University Employees) SF-CE-884-H	San Francisco Medical Center	University discriminated against employees for exercising their right to join a union and by interfering with their right to engage in protected union activity by restricting personal use of the internet for union employees, only.	PERB
CUE (Coalition of University Employees) LA-CD-1069-H	Los Angeles Medical Center	University, in violation of the 2008-2011 agreement, unilaterally imposed new or changed work rules, without providing notice or meeting with the union regarding the proposed changes.	PERB
CUE (Coalition of University Employees) SF-CE-887-H	Irvine	University disciplined, retaliated and discriminated against a clerical employee for her participation in protected activities as president of the local and as a unit bargaining team member.	PERB
May v. Regents SF-CE-891-H	Davis	University wrongfully terminated a Senior Electronics Technician employee and union member for engaging in protected whistleblowing activities.	PERB
SETCU (State Employees Trades Council United) SF-CE-890-H	San Diego	University committed a series of unfair practice actions, constituting unilateral circumvention of the current agreement with the skilled crafts union.	PERB
CUE (Coalition of University Employees) SF-CE-892-H	San Francisco Medical Center	University violated its duty to bargain by making a unilateral change to the terms and conditions of employment when the University terminated a Woman's Health Center employee without just cause, without advance notice to the union and without bargaining to impasse over the change.	PERB