

## How we obtained an \$892,008.42 Judgment based on a ten-day suspension

In November 2019 I met with a potential client who had been suspended from the University of Michigan Dearborn police department for ten days. He had been retaliated against when he reported the mishandling of a student's report of sexual assault by a professor. When his complaints were ignored, he later talked to a news reporter. After serving the suspension he remained employed by the University. I explained that with these very these very limited damages a law suit might not be worth it. He felt strongly that it was a matter of principle, and I eventually agreed.

We filed the case in federal court alleging constitutional violations, among other things. Miller Canfield (Megan Norris, and later, Brian Schwartz) represented the defendants. There were six depositions, including those of high-ranking university officials. We prevailed on summary judgment, including as to qualified immunity. The University took their appeal as of right as to qualified immunity. We won at the Sixth Circuit. Elizabeth Marzotto Taylor did the briefing and argument. The ruling gave us a clear legal path to satisfying the legal elements of our main claim at trial.

By this point we had a lot of time invested in the case, but the University made only low-ball offers.

The University's proposed jury instructions and motions *in limine* took legal positions directly at odds with the ruling from the Sixth Circuit, including the USDC and Sixth Circuit's holdings that the protected speech and *Pickering* balancing elements of his First Amendment retaliation claim were satisfied as a matter of law. The University also unsuccessfully sought to preclude the jury from hearing evidence about the details of the underlying sexual misconduct allegation.

Elizabeth and I tried the case over nine days. Jerome Watson was brought in to be lead counsel for Defendants. Our client was still employed at the University at the time. There was no treater and no expert. Judge Berg was an outstanding trial judge. I have seen none better. Totally on top of everything. The jury was extremely focused and engaged. The jury ultimately returned a verdict of slightly over \$300,000 in spite of the ten-day (roughly \$2,500) suspension being our only economic damage.

We then sought our attorney fees and costs. Judge Berg awarded us \$520,280.39 in costs and fees. Over the University's objection, pre- and post-judgment interest were also awarded. On May 12, 2025, we filed a Satisfaction of Judgment for a total amount of \$892,008.42.

