

1 Lansing, Michigan

2 March 16, 2006 - 3:38:36 p.m.

3 THE COURT: University of Michigan, docket number
4 04-241-MK. Mr. Green, you're here on behalf of the
5 Plaintiff?

6 MR. GREEN: That's correct, Your Honor.

7 THE COURT: Mr. Seryak?

8 MR. SERYAK: Correct, Your Honor. Here on behalf
9 of the Board of Regents.

10 THE COURT: And the moving party on the motion for
11 summary disposition apparently. Okay. Right?

12 MR. SERYAK: Correct.

13 THE COURT: And also somebody also apparently
14 inserted in here a couple of other motions without notice to
15 the Court, a motion to dismiss for violations of MCR 2.114.
16 At least it appears to have been noticed for today. And a
17 motion to strike Plaintiff's Affidavit.

18 MR. SERYAK: That's correct, Your Honor. We have
19 filed- the Defendant filed both of those motions. They were
20 supplemental to the main dispositive motion.

21 THE COURT: We like to have notice of these
22 motions, ut given that they were in the file and I stumbled
23 across them without actually being aware that they were there
24 until I was looking at the summary disposition. But for

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1 future reference, because we have time constraints under
2 which we're operating, I would appreciate if I had proper
3 notice of those motions, meaning to my assistant- I hate to
4 be crusty about it, but-

5 MR. SERYAK: Yes, Your Honor-

6 THE COURT: I mean, there is some degree of
7 complexity in some of the cases that we handle, and this is
8 probably not an exception. And it's enough to try and figure
9 out what's going on and then to wade through an unindexed
10 file and figure this out when I have- when I'm not aware of
11 what's going on, it's problematical, not only to the Court
12 but to your clients.

13 Having said that, the Court having reviewed your
14 motion to strike Plaintiff's Affidavit, I've reviewed it.
15 I'm going to, foregoing oral argument, deny the motion. It's
16 lacking in merit. With regard to the motion to dismiss,
17 based on alleged violations of MCR 2.114, I've had a chance
18 to review that motion and the response, again, I'm satisfied
19 that that motion is lacking in merit. For that reason,
20 without oral motion, the Court denies the motion.

21 MR. SERYAK: Your Honor, may I be heard on the
22 motion to strike?

23 THE COURT: No. I think I said no oral argument
24 on it. I mean, so there's nothing to talk about as far as I
25 am concerned. I guess if you think that you have a basis for