

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

JENNIFER DIBBERN

Case No. 12-15632

Plaintiff,

v.

Hon. Sean F. Cox

The UNIVERSITY OF MICHIGAN,  
a Domestic Nonprofit Corporation,  
The BOARD OF REGENTS OF THE  
UNIVERSITY OF MICHIGAN, a public  
constitutional body corporate,  
MARY SUE COLEMAN,  
President of The University of Michigan,  
an individual acting in her official capacity,  
RACHEL S. GOLDMAN, in her individual  
and official capacity, TRESA POLLOCK,  
in her individual and official capacity, and  
PETER GREEN in his individual and official capacity.

Defendants.

---

David M. Blanchard (P67190)  
Jennifer B. Salvatore (P66640)  
NACHT, ROUMEL, SALVATORE,  
BLANCHARD & WALKER, P.C.  
Attorneys for Plaintiff  
101 N. Main Street  
Suite 555  
Ann Arbor, MI 48104  
(734) 663-7550  
dblanchard@nachtlaw.com  
jsalvatore@nachtlaw.com

Megan P. Norris (P39318)  
David G. King (P73451)  
MILLER, CANFIELD, PADDOCK AND  
STONE, PLC  
Attorneys for Defendants, The University of  
Michigan and for remaining Defendant in their  
official capacities only  
150 West Jefferson, Ste. 2500  
Detroit, MI 48226  
(313) 963-6420  
norris@millercanfield.com  
kingd@millercanfield.com

---

**STIPULATED ORDER TO PARTIALLY DISMISS COUNTS III AND V OF  
PLAINTIFF'S FIRST AMENDED COMPLAINT FOR PARTICULAR DEFENDANTS  
AND TO ALLOW PLAINTIFF TO FILE A SECOND AMENDED COMPLAINT**

The parties having stipulated to the entry of this proposed order, and the Court being otherwise fully advised in the premises;

IT IS HEREBY ORDERED that Defendants University of Michigan and the Board of Regents of the University of Michigan are dismissed from Counts III and V of Plaintiff's First Amended Complaint based on invocation of 11<sup>th</sup> Amendment immunity.

IT IS ORDERED that Defendants acting in their official capacities Mary Sue Coleman, Rachel Goldman, Tresa Pollack and Peter Green only are dismissed from Counts III and V of Plaintiff's First Amended Complaint except to the extent that Plaintiff seeks prospective, non-monetary relief pursuant to the doctrine set forth in *Ex Parte Young*, 209 U.S. 123 (1908).

IT IS ORDERED that Defendants University of Michigan and the Board of Regents of the University of Michigan and acting in their official capacities Mary Sue Coleman, Rachel Goldman, Tresa Pollack and Peter Green waive rights to adjudicate Counts IV and IX in State court and consent to federal court jurisdiction.

IT IS ORDERED that Plaintiff has leave to file the attached Second Amended Complaint reflecting the above changes and adding certain factual allegations.

IT IS SO ORDERED.

Dated: June 5, 2013

s/ Sean F. Cox

Sean F. Cox  
U. S. District Judge

### STIPULATION

We, on behalf of our clients, stipulate to the entry of this order.

Respectfully submitted,

NACHT, ROUMEL, SALVATORE  
BLANCHARD & WALKER, P.C.

MILLER, CANFIELD, PADDOCK AND  
STONE, PLC

/s/ David M. Blanchard  
DAVID M. BLANCHARD (P67190)  
Attorney for Plaintiff  
101 N. Main Street, Ste. 555  
Ann Arbor, MI 48104  
(734) 663-7550  
dblanchard@nachtlaw.com

Dated: May 31, 2013

/s/ “with consent of” Megan P. Norris  
Megan P. Norris (P39318)  
David G. King (P73451)  
Attorneys for Defendants, The University  
of Michigan and for remaining Defendant  
in their official capacities only  
150 West Jefferson, Ste. 2500  
Detroit, MI 48226  
(313) 963-6420  
norris@millercanfield.com  
kingd@millercanfield.com

Dated: May 31, 2013