

## MICHIGAN



"PROTECTING THE RIGHTS OF  
PERSONS WITH DISABILITIES"

Elmer L. Cerano, *Executive Director*

**PROTECTION & ADVOCACY  
SERVICE, INC.**

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Flint

November 14, 2008

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*Via Facsimile (248) 370-4474 & US MAIL*

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Grand Rapids

Victor Zambardi  
Oakland University General Counsel  
203 Wilson Hall  
Rochester, MI 48309

Ronald D. Bush, II  
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Detroit

Re: Micah Fialka-Feldman

Pamela Bellamy, Ph.D.  
Immediate Past President  
Lansing

Dear Mr. Zambardi:

Sheila Faunce  
Director Emeritus  
East Lansing

Over the last eleven months my client and his family and friends have tried to resolve this matter by every means other than resorting to litigation. It continues to be my client's sincere belief that litigation is not necessary to resolve this matter if only Oakland University drops its discriminatory housing rule and allow him to live on campus.

Robert W. Ryan  
Director Emeritus  
Lansing

In your letter of November 7, 2008, you denied Micah's request for a reasonable accommodation. Additionally, you characterized the request as a "fundamental alteration of the OPTIONS Program." This is not what we requested.

Frederick A. Swegles  
Director Emeritus  
Port Huron

Mark Brewer, Esq.  
Mt. Clemens

I hope to clear-up any misunderstanding. This is a housing issue. Micah is a student at Oakland University. But for his disability he would be enrolled in a program leading toward a degree. We are requesting, as a reasonable accommodation, that the university waive its rule that only students "enrolled in coursework leading toward a degree" be eligible for on-campus housing. This is necessary to afford Micah the equal opportunity to use and enjoy a dwelling as is required under federal law. See Fair Housing Act at 42 U.S.C. § 3604(f)(3)(B).

Donna DePalma  
Pinckney

Michelle Huerta  
Livonia

Ann E. Manning  
Clarkston

Susan L. Odgers, Ph.D., ABD  
Traverse City

So we are asking again that you reconsider your decision. However, given the months of effort to resolve this without litigation we feel we have been left with no alternative. Please let me know no later than 5:00pm on Monday, November

Stoney Polman  
Lansing

Ernest A. Reynolds  
Roscommon

Frederick F. (Rick) Swegles, Esq.  
Port Huron

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**MPAS web site: [www.mpas.org](http://www.mpas.org)**

Victor Zambardi  
November 14, 2008  
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17, 2008, if the university is willing to change its decision. If I do not hear from you, it is my intent to file a complaint in federal district court next week to protect and enforce my client's rights.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris E. Davis". The signature is fluid and cursive, with a large initial "C" and "D".

Chris E. Davis  
Attorney

CED/vll