

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

MICAH FIALKA-FELDMAN

Case Number 08-CV-14922

Plaintiff,

Hon. Patrick J. Duggan

v.

OAKLAND UNIVERSITY BOARD
OF TRUSTEES, GARY D. RUSSI, MARY BETH
SNYDER, and LIONEL MATEN, in their
official capacity,

Defendants.

AFFIDAVIT OF NICOLE BERTRAND

STATE OF MICHIGAN)

)ss

COUNTY OF WAYNE)

I, Nicole Bertrand, being duly sworn, deposes and says as follows:

1. I am Nicole Bertrand and I have known Micah Fialka-Feldman since his first class at Oakland University during winter semester 2004.
2. I have shared 2 classes with Micah which primarily entailed lecture and not class discussion. Micah was not disruptive in class. He sat still and listened to the lectures without interrupting them or whispering as other students did. He changed his ring tone to silent. He was never late to class. He arrived at least 5 minutes early to class.
3. I was in a study group with Micah. He liked to study with a group rather than by himself. He wanted to understand the main idea and general concepts in order for him to apply the ideas to other things, or to be able to create his own example. He wanted to understand the "core" of topics and be able to apply it to his own life. After studying in a group he would review by himself.
4. For the first class we studied with an international student. We liked that because it was a sociology class and so she had witnessed different examples than us. We would discuss the topic of the class and one of us asked him questions to see what he already knew. I also learned what I did not know. We would provide a few

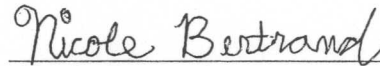
examples. Sometimes it was difficult to grasp the concept or give an example, for him, and at times for both of us. However, we worked hard together until we had a full understanding. While we discussed, and provided each other examples I would write/draw: pictures, charts, key words, main ideas, examples, and symbols. He would later study these.

5. On the day of a quiz we would review before class using the study cards we created together. Having to make sure that not only you understood a concept, but someone else as well, I believe allowed us both to have a deeper understanding of the concept.
6. When Micah took tests or quizzes, I would read quiz questions to him and he answered verbally. Then I wrote his answer on the quiz. For multiple choice questions I would read him the choices and he would answer the question by telling me the letter. Many times on the quizzes he would get 10 out of 10 points or 100%. He never failed a quiz. I do not think we had tests in the 2 classes I took with him.
7. From what I have seen of Micah as a classmate and study partner, I believe if he lived in a dorm, he would not be disruptive to his roommates at any time. In class he is not disruptive and he studies quietly. If he had the same class as his roommate(s) he may want to study with them, but would understand when his roommate(s) want(s) to study alone. He would then study alone quietly or engage in a non-disruptive activity.
8. If I was living in a dorm with Micah I would feel privileged. I have never seen Micah in a bad mood; in fact he always makes me smile. As with any roommate I am sure we would have to get used to each others habits and we would have to compromise on things.
9. Outside of class at OU he is very social: has many friends, belongs to many organizations, works out at the athletic center, goes to lectures and school events, and I find him many times in the cafeteria. Because he is strongly connected and involved at OU he has met many people. His name comes up all the time in conversation. It seems that everyone knows him and that they are glad that they have met him. I have seen how he brings new perspectives to students, organizations, professors, and people in general. He reminds people that things can be done differently. This opens people up to accepting people who are different than them. Organizations can get stuck in a rut, by having Micah in the organization he starts the wave of thinking in a different way, and this has changed group dynamics and has made groups more creative.
10. When I met Micah the first day of the first class he had at OU, we were both early. I noticed he had a watch on and I asked what time it was. From then on I

could rely on him for the time. We would study together before class, and he would make sure we stopped in time to get to class.


11. When I first studied with Micah, I refused to say I was tutoring him, because I was not tutoring him, we were teaching each other. He definitely taught me to be more patient, to look at things from a different perspective, and to be even more empathetic than I was.
12. Micah has also taught me many things after I developed 2 medical conditions. The conditions have impacted my physical abilities and the conditions are currently preventing me from student teaching. Knowing him before my medical conditions and even more now, has inspired me to be: comfortable with being different, to never give up, and to not say, "I can't," but rather to figure out how to do it a different way.

If called as a witness and sworn, I am competent and fully able to testify to the matters stated herein.



Nicole Bertrand

Subscribed and sworn to before me
this 13th of November 2009.



Verna L. Lehane, Notary Public
Wayne County, State of Michigan
My Commission expires: Jan. 26, 2015