

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

MICAH FIALKA-FELDMAN,

Plaintiff,

Case Number 08-CV-14922
Hon. Patrick J. Duggan

v.

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

Defendants.

**DEFENDANTS' SUPPLEMENTAL SUBMISSION AND SUR-REPLY TO PLAINTIFF'S
REPLY BRIEF IN SUPPORT OF HIS MOTION FOR SUBSTITUTION OF
DEFENDANT, SUMMARY JUDGMENT AND PERMANENT INJUNCTION**

DISCUSSION

In his Reply Brief in Support of His Motion for Substitution of Defendant, Summary Judgment and Permanent Injunction, Plaintiff claims that Defendants have submitted their Expert's Report to this Court. and consequently, Plaintiff filed his Expert's Report with the Court as an exhibit to his Reply Brief. (*See* Plaintiff's Brief, p. 4, n.5) Contrary to Plaintiff's representation, Defendants have not previously submitted their Expert's Report to this Court. As a means to complete the record represented by Plaintiff, though, Defendants are doing so as an attachment hereto. (*See* Exhibit 1)

Respectfully submitted,

BUTZEL LONG, a professional corporation

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Dated: December 16, 2009

Certificate of Service

I, Robert A. Boonin, hereby certify that on December 16, 2009, I electronically filed the foregoing document with the Clerk of the court using the ECF system, which will send notification of such filing to all counsel of record.

BUTZEL LONG, a professional corporation

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