UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:	Bankruptcy Case No. 13-53846
City of Detroit, Michigan,	Honorable Thomas J. Tucker
Debtor.	Chapter 9

CITY OF DETROIT'S MOTION TO ENFORCE ORDER, PURSUANT TO SECTIONS 105, 501, AND 503 OF THE BANKRUPTCY CODE AND BANKRUPTCY RULES 2002 AND 3003(c), ESTABLISHING BAR DATES FOR FILING PROOFS OF CLAIM AND APPROVING FORM AND MANNER OF NOTICE THEREOF AGAINST BOBBY WATSON, GODFREY WALTERS, NADINE STALEY AND COURTNEY D. PAYTON

The City of Detroit, Michigan ("City") by its undersigned counsel, Miller, Canfield, Paddock and Stone, PLC, files this Motion to Enforce Order, Pursuant to Sections 105, 501, and 503 of the Bankruptcy Code and Bankruptcy Rules 2002 and 3003(c), Establishing Bar Dates for Filing of Proofs of Claim and Approving Form and Manner of Notice Thereof against Bobby Watson, Godfrey Walters, Nadine Staley and Courtney D. Payton ("Motion"). In support of this Motion, the City respectfully states as follows:

I. Introduction

1. Despite having not filed proofs of claim in the City's bankruptcy case, Plaintiffs Nadine Staley, Courtney D. Payton, Bobby Watson, and Godfrey Walters (collectively, the "Plaintiffs") continue to prosecute their respective state court lawsuits seeking monetary damages on account of pre-petition claims against the City. In accordance with the Bar Date Order, the City seeks an order barring and permanently enjoining the Plaintiffs from asserting their claims against the City or property of the City, and requiring that the Plaintiffs dismiss the City with prejudice from the state court lawsuits.

II. Factual Background

A. The Bar Date Order

2. On July 18, 2013 ("Petition Date"), the City filed this chapter 9 case.

3. On November 21, 2013, this Court entered its Order, Pursuant to Sections 105, 501, and 503 of the Bankruptcy Code and Bankruptcy Rules 2002 and 3003(c), Establishing Bar Dates for Filing Proofs of Claim and Approving Form and Manner of Notice Thereof (Doc. No. 1782) ("Bar Date Order").

4. The Bar Date Order established February 21, 2014 ("General Bar Date") as the deadline for filing claims against the City. Paragraph 6 of the Bar Date Order states that the

> following entities must file a proof of claim on or before the Bar Date…any entity: (i) whose prepetition claim against the City is not listed in the List of Claims or is listed as disputed, contingent or unliquidated; and (ii) that desires to share in any distribution in this bankruptcy case and/or otherwise participate in the proceedings in this bankruptcy case associated with the confirmation of any chapter 9 plan of adjustment proposed by the City…

Bar Date Order ¶ 6.

5. Paragraph 22 of the Bar Date Order also provided that:

> Pursuant to sections 105(a) of the Bankruptcy Code and Bankruptcy Rule 3003(c)(2), **any entity that is required to file a proof of claim in this case pursuant to the Bankruptcy Code, the Bankruptcy Rules or this Order with respect to a particular claim against the City, but that fails properly to do so by the applicable Bar Date, shall be forever barred, estopped and enjoined from: (a) asserting any claim against the City or property of the City** that (i) is in an amount that exceeds the amount, if any, that is identified in the List of Claims on behalf of such entity as undisputed, noncontingent and liquidated or (ii) is of a different nature or a different classification or priority than any Scheduled Claim identified in the List of Claims on behalf of such entity (any such claim under subparagraph (a) of this paragraph being referred to herein as an "Unscheduled Claim"); (b) voting upon, or receiving distributions under any Chapter 9 Plan in this case in respect of an Unscheduled Claim; or (c) with respect to any 503(b)(9) Claim or administrative priority claim component of any Rejection Damages Claim, asserting any such priority claim against the City or property of the City.

Bar Date Order ¶ 22 (emphasis added).

6. The Bar Date Order also approved the form and manner of notice of the Bar Dates. *See e.g.* Bar Date Order ¶¶ 3, 23-26. In accordance with the Bar Date Order, notice of the General Bar Date was published in several newspapers. (Doc. Nos. 3007, 3008, 3009).

7. The Bar Date Order also provided that this Court retained "jurisdiction with respect to all matters arising from or related to the interpretation, implementation and/or enforcement of this Order." Bar Date Order ¶ 29.

B. Staley's State Court Action

8. On October 7, 2015, Nadine Staley ("Staley") filed a complaint ("Staley Complaint") against the City of Detroit in the Circuit Court for the County of Wayne, case number 15-013025 ("Staley State Court Action"). The Staley Complaint is attached as Exhibit 6A.

9. Staley alleges that on February 12, 2011, she was injured when the driver of a bus owned by the City of Detroit, on which she was a passenger, pulled away suddenly as she was in the process of disembarking from the bus. Staley Complaint ¶ 7. Staley has not filed a proof of claim in the City's bankruptcy case.

C. Payton's State Court Action

10. On January 23, 2015, Courtney D. Payton ("Payton") filed a complaint ("Payton Complaint") against the City of Detroit in the Circuit Court for the County of Wayne, case number 15-000962. The Payton Complaint is attached as Exhibit 6B.

11. Payton alleges that on April 4, 2004, he was injured as a result of an automobile accident in the City, under circumstances as to make the City responsible for all medical

expenses reasonably incurred, loss of wages, attendant care and replacement services. Payton Complaint ¶ 7. Payton did not file a proof of claim in the City's bankruptcy case.[1]

D. Walters State Court Action

12. On October 20, 2015, Godfrey Walters ("Walters") filed a complaint ("Walters Complaint") against the City of Detroit and John Doe Driver, an employee of the City of Detroit, in the Circuit Court for the County of Wayne, case number 15-013571. Walters Complaint ¶¶ 2, 6. The Walters Complaint is attached as Exhibit 6C.

13. Walters alleges that on April 22, 2013, he was injured while riding on a City bus. Walters did not file a proof of claim in the City's bankruptcy case.

E. Watson State Court Action

14. On July 9, 2015, Bobby Watson ("Watson") filed a complaint ("Watson Complaint") against the City of Detroit and John Doe, an employee of the City of Detroit, in the Circuit Court for the County of Wayne, case number 15-009009. Watson Complaint ¶¶ 2-3. The Watson Complaint is attached as Exhibit 6D.

15. Watson alleges that on or about June 3, 2013, he was involved in an auto accident while he was a passenger on a City bus and that he was severely injured. Watson Complaint ¶ 4. Watson did not file a proof of claim in the City's bankruptcy case.

III. Argument

16. Pursuant to the Bar Date Order, Plaintiffs are "forever barred, estopped and enjoined from…asserting any claim against the City or property of the City." Bar Date Order ¶ 22. Through their respective state court lawsuits, however, the Plaintiffs are asserting claims

[1] Payton also received individualized notice of the Bar Date Order. *See* Doc. No. 2337-2 at page 72 of 134.

against the City. As the Plaintiffs' actions violate the Bar Date Order, their claims against the City must be dismissed with prejudice.

IV. Conclusion

17. The City thus respectfully requests that this Court enter an order, in substantially the same form as the one attached as Exhibit 1, (a) directing each of the Plaintiffs to dismiss, or cause to be dismissed, the City with prejudice from the state court lawsuits; (b) permanently barring, estopping and enjoining the Plaintiffs from asserting the claims alleged in or claims related to the state court lawsuits against the City or property of the City; and (c) prohibiting the Plaintiffs from sharing in any distribution in this bankruptcy case. The City sought, but did not obtain, concurrence to the relief requested in the Motion.

Dated: December 16, 2015

MILLER, CANFIELD, PADDOCK AND STONE, P.L.C.

By: /s/ Marc N. Swanson
Jonathan S. Green (P33140)
Marc N. Swanson (P71149)
150 West Jefferson, Suite 2500
Detroit, Michigan 48226
Telephone: (313) 496-7591
Facsimile: (313) 496-8451
swansonm@millercanfield.com

- and -

CITY OF DETROIT LAW DEPARTMENT

Charles N. Raimi (P29746)
James Noseda (P52563)
2 Woodward Avenue, Suite 500
Detroit, Michigan 48226
Phone - (313) 237-5037/(313)
Email - raimic@detroitmi.gov

Attorneys for the City of Detroit

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:	Bankruptcy Case No. 13-53846
City of Detroit, Michigan,	Honorable Thomas J. Tucker
Debtor.	Chapter 9

EXHIBIT LIST

Exhibit 1	Proposed Order
Exhibit 2	Notice of Opportunity to Object
Exhibit 3	None
Exhibit 4	Certificate of Service
Exhibit 5	None
Exhibit 6A	Staley Complaint
Exhibit 6B	Payton Complaint
Exhibit 6C	Walters Complaint
Exhibit 6D	Watson Complaint

EXHIBIT 1 – PROPOSED ORDER

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:	Bankruptcy Case No. 13-53846
City of Detroit, Michigan,	Honorable Thomas J. Tucker
Debtor.	Chapter 9

ORDER GRANTING CITY OF DETROIT'S MOTION TO ENFORCE ORDER, PURSUANT TO SECTIONS 105, 501, AND 503 OF THE BANKRUPTCY CODE AND BANKRUPTCY RULES 2002 AND 3003(c), ESTABLISHING BAR DATES FOR FILING PROOFS OF CLAIM AND APPROVING FORM AND MANNER OF NOTICE THEREOF AGAINST BOBBY WATSON, GODFREY WALTERS, NADINE STALEY AND COURTNEY D. PAYTON

This matter, having come before the Court on the Motion to Enforce Order, Pursuant to Sections 105, 501, and 503 of the Bankruptcy Code and Bankruptcy Rules 2002 and 3003(c), Establishing Bar Dates for Filing of Proofs of Claim and Approving Form and Manner of Notice Thereof against Bobby Watson, Godfrey Walters, Nadine Staley and Courtney D. Payton ("Motion")[2], upon proper notice and a hearing, the Court being fully advised in the premises, and there being good cause to grant the relief requested,

THE COURT ORDERS THAT:

1. The Motion is granted.

2. Within five days of the entry of this Order:

   (a) Nadine Staley shall dismiss, or cause to be dismissed, the City of Detroit with prejudice from the case captioned as *Nadine Staley, Plaintiff, v. City of Detroit, Defendant*, filed in the Wayne County Circuit Court and assigned Case No. 15-013025.

[2] Capitalized terms used but not otherwise defined in this Order shall have the meanings given to them in the Motion.

(b) Courtney D. Payton shall dismiss, or cause to be dismissed, the City of Detroit with prejudice from the case captioned as *Courtney D. Payton, Plaintiff, v. City of Detroit, Defendant*, filed in the Wayne County Circuit Court and assigned Case No. 15-000962.

(c) Godfrey Walters shall dismiss, or cause to be dismissed, the City of Detroit with prejudice from the case captioned as *Godfrey Walters, Plaintiff, vs. John Doe Driver, and City of Detroit, Defendants*, filed in the Wayne County Circuit Court and assigned Case No. 15-013571.

(d) Bobby Watson shall dismiss, or cause to be dismissed, the City of Detroit with prejudice from the case captioned as *Bobby Watson, Plaintiff, vs. City of Detroit, and John Doe*, filed in Wayne County Circuit Court and assigned Case No. 15-009009.

3. Bobby Watson, Godfrey Walters, Nadine Staley and Courtney D. Payton are permanently barred, estopped and enjoined from asserting the claims arising from or related to their State Court Actions against the City of Detroit or property of the City of Detroit.

4. Bobby Watson, Godfrey Walters, Nadine Staley and Courtney D. Payton are prohibited from sharing in any distribution in this bankruptcy case.

5. The Court shall retain jurisdiction over any and all matters arising from the interpretation or implementation of this Order.

EXHIBIT 2 – NOTICE

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:	Bankruptcy Case No. 13-53846
City of Detroit, Michigan,	Honorable Thomas J. Tucker
Debtor.	Chapter 9

NOTICE OF OPPORTUNITY TO OBJECT TO CITY OF DETROIT'S MOTION TO ENFORCE ORDER, PURSUANT TO SECTIONS 105, 501, AND 503 OF THE BANKRUPTCY CODE AND BANKRUPTCY RULES 2002 AND 3003(c), ESTABLISHING BAR DATES FOR FILING PROOFS OF CLAIM AND APPROVING FORM AND MANNER OF NOTICE THEREOF AGAINST BOBBY WATSON, GODFREY WALTERS, NADINE STALEY AND COURTNEY D. PAYTON

The City of Detroit has filed papers with the Court requesting the Court to enforce the Order, Pursuant To Sections 105, 501, And 503 of the Bankruptcy Code and Bankruptcy Rules 2002 and 3003(c), Establishing Bar Dates For Filing Proofs Of Claim and Approving Form and Manner Of Notice Thereof Against Bobby Watson, Godfrey Walters, Nadine Staley and Courtney D. Payton.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney.

If you do not want the Court to enter an Order granting the *City Of Detroit's Motion To Enforce Order, Pursuant To Sections 105, 501, and 503 Of The Bankruptcy Code and Bankruptcy Rules 2002 And 3003(C), Establishing Bar Dates For Filing Proofs Of Claim and Approving Form and Manner Of Notice Thereof Against Bobby Watson, Godfrey Walters, Nadine Staley and Courtney D. Payton*, within 14 days, you or your attorney must:

1. File with the court a written response or an answer, explaining your position at:[1]

United States Bankruptcy Court
211 W. Fort St., Suite 1900
Detroit, Michigan 48226

If you mail your response to the court for filing, you must mail it early enough so that the court will **receive** it on or before the date stated above. You must also mail a copy to:

Miller, Canfield, Paddock & Stone, PLC
Attn: Marc N. Swanson
150 West Jefferson, Suite 2500
Detroit, Michigan 48226

2. If a response or answer is timely filed and served, the clerk will schedule a hearing on the motion and you will be served with a notice of the date, time, and location of that hearing.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

MILLER, CANFIELD, PADDOCK AND STONE, P.L.C.

By: /s/ Marc N. Swanson
Marc N. Swanson (P71149)
150 West Jefferson, Suite 2500
Detroit, Michigan 48226
Telephone: (313) 496-7591
Facsimile: (313) 496-8451
swansonm@millercanfield.com

Dated: December 16, 2015

[1] Response or answer must comply with F. R. Civ. P. 8(b), (c) and (e).

EXHIBIT 3 – NONE

EXHIBIT 4 – CERTIFICATE OF SERVICE

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re: City of Detroit, Michigan, Debtor.	Bankruptcy Case No. 13-53846 Honorable Thomas J. Tucker Chapter 9

The undersigned hereby certifies that on December 16, 2015, he served a copy of the foregoing ***CITY OF DETROIT'S MOTION TO ENFORCE ORDER, PURSUANT TO SECTIONS 105, 501, AND 503 OF THE BANKRUPTCY CODE AND BANKRUPTCY RULES 2002 AND 3003(c), ESTABLISHING BAR DATES FOR FILING PROOFS OF CLAIM AND APPROVING FORM AND MANNER OF NOTICE THEREOF AGAINST BOBBY WATSON, GODFREY WALTERS, NADINE STALEY AND COURTNEY D. PAYTON*** upon the persons listed below, and in the manner described below:

Sent to Counsel to Courtney Payton and Nadine Staley via first class mail:

Ernest F. Friedman
Law Office of Ernest Friedman
24567 Northwestern Hwy., #500

Sent to Counsel to Bobby Watson via first class mail and email:

Daniel G. Romano
23880 Woodward Avenue
Pleasant Ridge, MI 48069
Email: dromano@romanolawpllc.com

Sent to Counsel to Godfrey Walters via first class mail and email:

Kimberly Koester
Christopher Trainor & Associates
9750 Highland Road
White Lake, MI 48386
Email: kimberley.koester@cjtrainor.com

DATED: December 16, 2015

By: /s/ Marc N. Swanson
Marc N. Swanson (P71149)
150 West Jefferson, Suite 2500
Detroit, Michigan 48226
Telephone: (313) 496-7591
Facsimile: (313) 496-8451
swansonm@millercanfield.com

EXHIBIT 5 – NONE

EXHIBIT 6A – Staley Complaint

STATE OF MICHIGAN THIRD JUDICIAL CIRCUIT WAYNE COUNTY	SUMMONS AND COMPLAINT	CASE NO. 15-013025-NF Hon. Annette J. Berry

2 Woodward Ave., Detroit MI 48226 — Court Telephone No. 313-224-4679

Plaintiff	v	Defendant
STALEY, NADINE		CITY OF DETROIT
Plaintiff's Attorney Ernest F. Friedman, P-26642 24567 Northwestern Hwy Fl 5 Southfield, MI 48075-2421		**Defendant's Attorney** Mail 1:58 pm

RECEIVED
OCT 09 2015
CITY OF DETROIT
LAW DEPARTMENT

SUMMONS **NOTICE TO THE DEFENDANT:** In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons to **file a written answer with the court** and serve a copy on the other party **or take other lawful action with the court** (28 days if you were served by mail or you were served outside this state). (MCR 2.111[C])
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.

Issued	This summons expires	Court clerk
10/ 7/2015	1/ 6/2016	File & Serve Tyler

*This summons is invalid unless served on or before its expiration date. This document must be sealed by the seal of the court.

COMPLAINT ***Instruction: The following is information that is required to be in the caption of every complaint and is to be completed by the plaintiff. Actual allegations and the claim for relief must be stated on additional complaint pages and attached to this form.***

☐ This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035.

Family Division Cases

☐ There is no other pending or resolved action within the jurisdiction of the family division of the circuit court involving the family or family members of the parties.

☐ An action within the jurisdiction of the family division of the circuit court involving the family or family members of the parties has been previously filed in _____ Court.

The action ☐ remains ☐ is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	Bar no.

General Civil Cases

☒ There is no other pending or resolved civil action arise out of the same transaction or occurrence as alleged in the complaint.

☐ An civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in _____ Court.

The action ☐ remains ☐ is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	Bar no.

VENUE

Plaintiff(s) residence (include city, township, or village)	Defendant(s) residence (include city, township, or village)
CITY OF DETROIT, WAYNE COUNTY, MICHIGAN	CITY OF DETROIT, WAYNE COUNTY, MICHIGAN

Place where action arose or business conducted
CITY OF DETROIT, COUNTY OF WAYNE, STATE OF MICHIGAN

October 7, 2015 — Date

/s/ERNEST F. FRIEDMAN — Signature of attorney/plaintiff

ERNEST F. FRIEDMAN (P26642)

THIRD JUDICIAL CIRCUIT OF MICHIGAN

If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

Staley, Nadine

STATE OF MICHIGAN THIRD JUDICIAL CIRCUIT WAYNE COUNTY	**PROOF OF SERVICE**	CASE NO. 15-013025-NF

TO PROCESS SERVER: You are to serve the summons and complaint not later than 91 days from the date of filing or the date of expiration on the order for second summons. You must make and file your return with the court clerk. If you are unable to complete service you must return this original and all copies to the court clerk.

CERTIFICATE / AFFIDAVIT OF SERVICE / NONSERVICE

☐ **OFFICER CERTIFICATE** OR ☒ **AFFIDAVIT OF PROCESS SERVER**

I certify that I am a sheriff, deputy sheriff, bailiff, appointed court officer, or attorney for a party (MCR 2.104[A][2]), and that: (notarization not required)

Being first duly sworn, I state that I am a legally competent adult who is not a party or an officer of a corporate party, and that: (notarization required)

☐ I served personally a copy of the summons and complaint,

☒ I served by registered or certified mail (copy of return receipt attached) a copy of the summons and complaint, together with Request for Production of Documents and Request for Admissions of Fact

List all documents served with the Summons and Complaint

on the defendant(s):

Defendant's name	Complete address(es) of service	Day, date, time
CITY OF DETROIT	Two Woodward Avenue #500, Detroit, MI 48226	

☐ I have personally attempted to serve the summons and complaint, together with any attachments, on the following defendant(s) and have been unable to complete service.

Defendant's name	Complete address(es) of service	Day, date, time

I declare that the statements above are true to the best of me information, knowledge and belief.

Service fee	Miles traveled	Mileage fee	Total fee
$	$	$	$

Signature
LINDA R. KUNIN

Name (type or print)
LEGAL SECRETARY

Title

Subscribed and sworn to before me on _____ (Date), Oakland County, Michigan.

My commission expires: 02/03/2018 (Date) Signature: _____

[redacted]/Notary public ROBERT R. GOTZ, JR.

Notary public, State of Michigan, County of Oakland

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received service of the summons and complaint, together with _____ (Attachments)

_____ on _____ (Day, date, time)

_____ on behalf of _____

Signature

jp

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

NADINE STALEY, Plaintiff, vs. CITY OF DETROIT, Defendant.	Case No. 15- NF Hon. 15-013025-NF FILED IN MY OFFICE WAYNE COUNTY CLERK 10/7/2015 1:57:30 PM CATHY M. GARRETT

ERNEST F. FRIEDMAN (P26642)
Attorney for Plaintiff
24567 Northwestern Highway #500
Southfield, MI 48075
(248) 350-9440 ~ (248) 469-4365 (FAX)

There is no other civil action between these parties arising out of the same transaction or occurrence as alleged in this Complaint pending in this Court, nor has any such action been previously filed and dismissed or transferred after having been assigned to a judge.

PLAINTIFF'S COMPLAINT

NOW COMES Plaintiff NADINE STALEY, by and through her attorney, Ernest F. Friedman, and complaining against Defendant, states as follows:

GENERAL ALLEGATIONS

1. That Plaintiff is a resident of the City of Detroit, County of Wayne, State of Michigan.

2. That Defendant is a municipal corporation licensed to do business in the State of Michigan and has offices handling claims in the City of Detroit, County of Wayne, State of Michigan.

3. That the amount in controversy exceeds Twenty-Five Thousand Dollars ($25,000.00), and that jurisdiction and venue are otherwise proper in this matter.

COUNT I - COMPLAINT FOR PIP BENEFITS

4. That, on the date of accident herein, your Plaintiff was a passenger in a bus owned, operated, controlled by and insured with Defendant.

5. That included in the No-Fault Act is the right to recover from Defendant and to obtain reimbursement for all medical expenses incurred, loss of wages, attendant care and replacement services as a result of any automobile accident resulting in injuries to the insured, as prescribed by the terms of the insurance policy.

6. That the No-Fault Act provides that, if Plaintiff submits reasonable proofs of losses, the Defendant will pay the Plaintiff for medical expenses, loss of wages, attendant care or replacement services under the appropriate personal injury protection benefits and that person would be paid promptly (within 30 days after giving notice and proof) and would not have to retain an attorney to obtain those benefits due and owing by Defendant.

7. That, on February 12, 2011, Plaintiff was injured when the driver of a bus owned by the City of Detroit, on which Plaintiff was a passenger, pulled away suddenly as Plaintiff was in the process of disembarking said bus, in the course of travel in the City of Detroit, Michigan, under circumstances as to make Defendant responsible for all medical expenses reasonably incurred, loss of wages, attendant care and replacement services as aforementioned.

8. That Defendant has refused and neglected to make proper payment in accordance with Public Act 294 of Michigan No-Fault Legislation.

9. That Defendant owes to Plaintiff all medical bills reasonably incurred as well as loss of wages, attendant care and replacement services, but that the Defendant has wrongfully refused and neglected to pay the same.

WHEREFORE, Plaintiff NADINE STALEY prays for a judgment in an amount to fairly and adequately compensate the Plaintiff for the amounts due and owing under the insurance policy with Defendant, CITY OF DETROIT, plus actual attorney fees and interest at one percent (1%) per month as provided by Public Act 294, Michigan No Fault Legislation, and Court costs and award damages in the sum greater than Twenty-Five Thousand Dollars ($25,000.00).

Respectfully submitted,

LAW OFFICE OF ERNEST FRIEDMAN

BY: /s/ERNEST F. FRIEDMAN
ERNEST F. FRIEDMAN (P26642)
Attorney for Plaintiff
24567 Northwestern Highway #500
Southfield, MI 48075
(248) 350-9440 ~ (248) 469-4365 (FAX)

DATED: October 7, 2015

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

NADINE STALEY,

Plaintiff,

vs.

CITY OF DETROIT,

Defendant.

Case No. 15-013025 NF
Hon. Annette J. Berry

/

ERNEST F. FRIEDMAN (P26642)
Attorney for Plaintiff
24567 Northwestern Highway #500
Southfield, MI 48075
(248) 350-9440 ~ (248) 469-4365 (FAX)

/

PLAINTIFF'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS

TO: DEFENDANT CITY OF DETROIT

You are hereby requested to produce the following described documents and things in the office of Ernest F. Friedman, Attorney for Plaintiff NADINE STALEY, 24567 Northwestern Highway #500, Southfield, MI 48075 within twenty-eight (28) days of service or if served with a Summons and Complaint or forty-two (42) days of service of this request if served otherwise, for the purposes of visual inspection, photographing or copying, pursuant to MCR 2.310.

In lieu of producing the documents described below on the date and at the time and place indicated, you may send legible copies of those documents to the attorneys submitting this request at the office address indicated above prior to the date indicated above.

This Request shall be deemed continuing and supplementation shall be required immediately when you have received, directly or indirectly, further or different information or documents from the time the documents are produced until the time of trial.

REQUESTS

1. Please produce Defendant's entire PIP, SIU and Litigation files (including any and all pay logs) relating to the motor vehicle collision in question.

RESPONSE:

2. Please produce any and all information responsive to discovery requests, whether or not already produced.

RESPONSE:

3. Please produce any and all documents and things referenced, relied upon or discussed regarding this claim as documented in the claim activity log.

RESPONSE:

4. Please produce any other documents or things pertaining, in any way, to Plaintiff or Defendant's insured that affected Defendant's decision to deny payment of Plaintiff's billings.

RESPONSE:

5. Please produce any other documents or things Defendant utilized or relied upon as a basis to pay less than the entire amount billed by Plaintiff for services.

RESPONSE:

6. Please produce any and all policies of insurance held by the above-noted Plaintiff on the date of the automobile accident giving rise to this cause of action (with regard to each individual insurer) as noted in Request No. 5, including but not limited to legible copies of any and all declaration sheets of said policies of insurance.

RESPONSE:

7. Please produce the complete claims file, including all documentation, correspondence, medical reports, payment vouchers or the like regarding Plaintiff as a result of the incident which is the subject of this lawsuit.

RESPONSE:

8. Please produce a complete, legible copy of the payment log in connection with the accident which is the subject of this lawsuit.

RESPONSE:

9. Please produce complete, legible copies of any and all videotapes, audio tapes, written reports, notes, or other documents relative to any surveillance conducted on Plaintiff from the date of the accident giving rise to this cause of action to the present time, in the current or future possession of this Defendant or Defendant's attorneys.

RESPONSE:

10. Please produce complete, legible copies of any and all reports of Independent Medical Examinations performed on Plaintiff at the request of Defendant.

RESPONSE:

11. Please produce legible copies of any and all records and other documentation sent to any doctor performing Independent Medical Examinations on Plaintiff.

RESPONSE:

Respectfully submitted,

LAW OFFICE OF ERNEST FRIEDMAN

BY: /s/ERNEST F. FRIEDMAN
ERNEST F. FRIEDMAN (P26642)
Attorney for Plaintiff
24567 Northwestern Highway #500
Southfield, MI 48075
(248) 350-9440 ~ (248) 469-4365 (FAX)

DATED: October 7, 2015

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

NADINE STALEY,

Plaintiff,

vs.

CITY OF DETROIT,

Defendant.

Case No. 15-013025 NF
Hon. Annette J. Berry

/

ERNEST F. FRIEDMAN (P26642)
Attorney for Plaintiff
24567 Northwestern Highway #500
Southfield, MI 48075
(248) 350-9440 ~ (248) 469-4365 (FAX)

/

PLAINTIFF'S FIRST REQUESTS FOR ADMISSIONS OF FACT

TO: DEFENDANT CITY OF DETROIT

NOW COMES Plaintiff, by and through his attorneys, LAW OFFICE OF ERNEST FRIEDMAN, and pursuant to MCR 2.312, submits these Requests for Admission of Fact to the above-named Defendant. You have twenty-eight (28) days from the date of service as noted below to serve your responses upon Plaintiff. If written answers or objections are not received by Plaintiff within this time period, each request shall be deemed to be admitted.

Your response to each request may be in the form of an admission, a specific denial, an objection (with the reason[s] for said objection clearly stated therein) or a statement that the request cannot be either admitted or denied. You may use a lack of information or knowledge as a reason for failure to admit or deny any request unless you clearly state that you have made a reasonable inquiry and that the information known or readily available to you was insufficient to

enable you to admit or deny said Request.

REQUEST FOR ADMISSION NO. 1

Please admit that Defendant's policy with regard to this cause of action contains provisions for Uninsured Motorist coverage. If denied, state the specific provisions indicated and attach all relevant documentation supporting your denial.

RESPONSE:

REQUEST FOR ADMISSION NO. 2

Please admit that Defendant is willing to submit Plaintiff's claims with regard to this cause of action to binding Arbitration. If denied, state the specific reasons for said denial and attach all relevant documentation supporting your denial.

RESPONSE:

Respectfully submitted,

LAW OFFICE OF ERNEST FRIEDMAN

BY: /s/ERNEST F. FRIEDMAN
ERNEST F. FRIEDMAN (P26642)
Attorney for Plaintiff
24567 Northwestern Highway #500
Southfield, MI 48075
(248) 350-9440 ~ (248) 469-4365 (FAX)

DATED: October 7, 2015

Law Offices of
ERNEST F. FRIEDMAN
24567 Northwestern Highway Suite 500 Southfield, Michigan 48075

Telephone (248) 350-9440
Fax (248) 469-4365

Ernest F. Friedman
Nancy L. Safie
Jordan M. Lebowitz
Charles H. Chomet

ernest@friedmanlaw.co
nancy@friedmanlaw.co
jordan@friedmanlaw.co
chuck@friedmanlaw.co

October 7, 2015

City of Detroit
Legal Department
Two Woodward Avenue #500
Detroit, MI 48226

RE: Staley vs. City of Detroit
Case No. 15-013025 NF – Wayne County Circuit Court

To Whom It May Concern:

With regard to the above-noted matter, enclosed please find a Summons, Complaint, Request for Production of Documents and Request for Admissions of Fact. Please forward these documents to the appropriate legal representative. Your cooperation is appreciated.

Sincerely,

Ernest F. Friedman

EFF/rrg
Enclosures

EXHIBIT 6B – Payton Complaint

STATE OF MICHIGAN THIRD JUDICIAL CIRCUIT WAYNE COUNTY	SUMMONS AND RETURN OF SERVICE	CASE NO. 15-000962-NF

2 Woodward Ave., Detroit MI 48226 — Court Telephone No. 313-224-4679

THIS CASE IS ASSIGNED TO JUDGE Annette J. Berry Bar Number: 42275

Plaintiff		Defendant
PAYTON, COURTNEY D.	v	CITY OF DETROIT
Plaintiff's Attorney Ernest F. Friedman, P-26642 24567 Northwestern Hwy Fl 5 Southfield, MI 48075-2421		**Defendant's Attorney**

RECEIVED
FEB 03 2015
CITY OF DETROIT
LAW DEPARTMENT

CASE FILING FEE	JURY FEE
[X] Case Filing Fee - $150.00	[ ] Jury Fee - $85.00

ISSUED	THIS SUMMONS EXPIRES	DEPUTY COUNTY CLERK
1/23/2015	4/24/2015	File & Serve Tyler

*This summons is invalid unless served on or before its expiration date. CATHY M. GARRETT - WAYNE COUNTY CLERK

NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. YOU HAVE 21 DAYS after receiving this summons to file an answer with the court and serve a copy on the other party or take other lawful action (28 days if you were served by mail or you were served outside this state).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.

X There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.

__ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in _____ Court.

__ There is no other pending or resolved action within the jurisdiction of the family division of circuit court involving the family or family members of the parties.

__ An action within the jurisdiction of the family division of circuit court involving the family or family members of the parties has been previously filed in _____ Court.

The docket number and assigned judge of the civil/domestic relations action are:

Docket No.	Judge	Bar No.

The action [ ] remains [ ] is no longer pending.

THIRD JUDICIAL CIRCUIT OF MICHIGAN

I declare that the complaint information above and attached is true to the best of my information, knowledge, and belief.

January 23, 2015 — Date

/s/ERNEST F. FRIEDMAN — Signature of attorney/plaintiff ERNEST F. FRIEDMAN (P26642)

COMPLAINT IS STATED ON ATTACHED PAGES. EXHIBITS ARE ATTACHED IF REQUIRED BY COURT RULE.

If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you to fully participate in court proceedings, please contact the court immediately to make arrangements.

RECEIVED
FEB 03 2015
CITY OF DETROIT
LAW DEPARTMENT

kp

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

COURTNEY D. PAYTON,

Plaintiff,

vs.

CITY OF DETROIT,

Defendant.

Case No. 15- -NF
Hon.

15-000962-NF
FILED IN MY OFFICE
WAYNE COUNTY CLERK
1/23/2015 10:17:52 AM
CATHY M. GARRETT

ERNEST F. FRIEDMAN (P26642)
Attorney for Plaintiff
24567 Northwestern Highway #500
Southfield, MI 48075
(248) 350-9440 ~ (248) 469-4365 (FAX)

There is no other civil action between these parties arising out of the same transaction or occurrence as alleged in this Complaint pending in this Court, nor has any such action been previously filed and dismissed or transferred after having been assigned to a judge.

PLAINTIFF'S COMPLAINT

NOW COMES Plaintiff COURTNEY D. PAYTON, by and through her attorney, Ernest F. Friedman, and complaining against Defendant, states as follows:

GENERAL ALLEGATIONS

1. That Plaintiff is a resident of the City of Detroit, County of Wayne, State of Michigan.

2. That Defendant is a municipal corporation licensed to do business in the State of Michigan and has offices handling claims in the City of Detroit, County of Wayne, State of Michigan.

3. That the amount in controversy exceeds Twenty-Five Thousand Dollars ($25,000.00), and that jurisdiction and venue are otherwise proper in this matter.

COUNT I - COMPLAINT FOR PIP BENEFITS

4. That, on the date of accident herein, Plaintiff did not have auto insurance, nor did she reside with any relative who had auto insurance; the priority rules dictate that Defendant is responsible for coverage.

5. That included in the No-Fault Act is the right to recover from Defendant and to obtain reimbursement for all medical expenses incurred, loss of wages, attendant care and replacement services as a result of any automobile accident resulting in injuries to the insured, as prescribed by the terms of the insurance policy.

6. That the No-Fault Act provides that, if Plaintiff submits reasonable proofs of losses, the Defendant will pay the Plaintiff for medical expenses, loss of wages, attendant care or replacement services under the appropriate personal injury protection benefits and that person would be paid promptly (within 30 days after giving notice and proof) and would not have to retain an attorney to obtain those benefits due and owing by Defendant.

7. That, on April 4, 2004, Plaintiff was injured as a result of an automobile accident in the City of Detroit, Michigan, under circumstances as to make Defendant responsible for all medical expenses reasonably incurred, loss of wages, attendant care and replacement services as aforementioned.

8. That Defendant has refused and neglected to make proper payment in accordance with Public Act 294 of Michigan No-Fault Legislation.

9. That Defendant owes to Plaintiff all medical bills reasonably incurred as well as loss of wages, attendant care and replacement services, but that the Defendant has wrongfully refused and neglected to pay the same.

WHEREFORE, Plaintiff COURTNEY D. PAYTON prays for a judgment in an amount to fairly and adequately compensate the Plaintiff for the amounts due and owing under the insurance policy with Defendant, CITY OF DETROIT, plus actual attorney fees and interest at one percent (1%) per month as provided by Public Act 294, Michigan No Fault Legislation, and Court costs and award damages in the sum greater than Twenty-Five Thousand Dollars ($25,000.00).

COUNT II - BREACH OF CONTRACT

10. Plaintiff herein repeats and re-alleges each and every paragraph contained in Paragraphs 1 through 9 of this Complaint as if set forth fully herein.

11. That, pursuant to the policy of insurance, there existed uninsured motorist coverage.

12. The individual involved in the accident with Plaintiff was uninsured as set forth within the policy terms.

13. Demand has been made for payment under the terms of policy and Defendant has not made payment as required.

14. That Defendant is in breach of the contract.

WHEREFORE, Plaintiff prays for a judgment in an amount to fairly and adequately compensate the Plaintiff for the amounts due and owing under the insurance policy with Defendant CITY OF DETROIT, plus actual attorney fees and interest at one percent (1%) per month as provided by Public Act 294, Michigan No Fault Legislation, and Court costs and award damages in the sum greater than Twenty-Five Thousand Dollars ($25,000.00).

COUNT III - DECLARATORY ACTION

14. Plaintiff herein repeats and re-alleges each and every paragraph contained in Paragraphs 1 through 13 of this Complaint as if set forth fully herein.

15. That Plaintiff respectfully requests that this Honorable Court issue a Declaratory Judgment, ordering Defendant to pay uninsured motorist benefits.

16. That Plaintiff further requests that this Honorable Court issue a Declaratory Judgment ordering Defendant to Arbitrate Plaintiff's uninsured motorist claim.

WHEREFORE, Plaintiff prays for a judgment in an amount to fairly and adequately compensate the Plaintiff for the amounts due and owing under the insurance policy with Defendant, CITY OF DETROIT , plus actual attorney fees and interest at one percent (1%) per month as provided by Public Act 294, Michigan No-Fault Legislation, and Court costs and COURTNEY D. PAYTON, prays that this Honorable Court issue a Declaratory Judgment, ordering Defendant, CITY OF DETROIT, to pay uninsured motorist benefits and ordering Defendant to Arbitrate Plaintiff's uninsured motorist claim.

Respectfully submitted,

LAW OFFICE OF ERNEST FRIEDMAN

BY: /s/ERNEST F. FRIEDMAN
ERNEST F. FRIEDMAN (P26642)
Attorney for Plaintiff
24567 Northwestern Highway #500
Southfield, MI 48075
(248) 350-9440 ~ (248) 469-4365 (FAX)

DATED: January 23, 2015

EXHIBIT 6C – Walters Complaint

jp

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

GODFREY WALTERS,

Plaintiff,

-vs-

CASE NO. 15- -NI
HON.

JOHN DOE DRIVER,
and CITY OF DETROIT,

Defendants.

CHRISTOPHER TRAINOR & ASSOCIATES
CHRISTOPHER J. TRAINOR (P42449)
TIMOTHY M. HARTNER (P66237)
Attorneys for Plaintiff
9750 Highland Road
White Lake, MI 48386
(248) 886-8650

A civil action arising from the same transaction or occurrence which is the subject matter of this lawsuit was previously filed in Wayne County Circuit Court and assigned to Hon. Leslie Kim Smith, Docket 14-004655-NF. This case is stayed.

COMPLAINT AND JURY DEMAND

NOW COMES Plaintiff, GODFREY WALTERS, by and through his attorney CHRISTOPHER TRAINOR & ASSOCIATES, and for his Complaint states the following:

GENERAL ALLEGATIONS

1. Plaintiff, GODFREY WALTERS, is a resident of the City of Detroit, County of Wayne, State of Michigan.
2. Defendant, JOHN DOE DRIVER, is a resident, or is believed to be a resident, of the City of Detroit, County of Wayne, State of Michigan.
3. Defendant, CITY OF DETROIT, is a self-insured municipality authorized to operate city buses, and does so throughout the City of Detroit, County of Wayne, State of Michigan.

4. The amount in controversy in this cause exceeds Twenty Five Thousand ($25,000.00) Dollars exclusive of costs, interest and attorney fees.

5. This lawsuit arises out of a bus related accident, which occurred at approximately 9:00 a.m., near the intersection of Puritan and Asbury Park, in the City of Detroit, County of Wayne, State of Michigan.

6. On April 22, 2013, at the time and place indicated in the above paragraphs of this Complaint, Defendant, JOHN DOE DRIVER, was employed by Defendant, CITY OF DETROIT, as a bus driver and was operating a bus owned by Defendant, CITY OF DETROIT, with Plaintiff as a passenger.

7. On the above date, time, and place, Plaintiff was a passenger on a DDOT bus, approaching the intersection of Puritan and Asbury Park, in the City of Detroit, County of Wayne, State of Michigan.

8. On the above date, time, and place, while Plaintiff was a passenger on a DDOT bus, Plaintiff's arm was stuck in the door and dragged by the bus while attempting to exit, causing grievous injuries to Plaintiff.

COUNT I - NEGLIGENCE OF DEFENDANT JOHN DOE DRIVER

9. Plaintiff incorporates by reference the preceding paragraphs 1-8.

10. Defendant, JOHN DOE DRIVER, owed to the Plaintiff certain duties which the Defendant, JOHN DOE DRIVER, violated, and that the violation of these duties and obligations consisted of the following acts of negligence and breaches of duties owed to Plaintiff:

    a. Violation of Section 9.2327 of the Michigan Statutes Annotated, as amended, which provides that any person driving a motor vehicle on a highway shall drive the same at a careful and prudent speed, not greater than, nor less than is reasonable and proper, having due regard to the traffic, surface, and width of the highway, and of any other conditions then existing, and no person shall drive any vehicle on a highway at a greater speed within the assured clear distance ahead.

b. Violation of the duty to exercise reasonable care and caution, and to observe other vehicles and pedestrians lawfully upon the roadway, particularly to the Plaintiff.

c. Violation of the duty to operate a motor vehicle so that collision with other vehicles or pedestrians would not ensue, particularly to Plaintiff.

d. Violation of the duty to operate a motor vehicle in such a manner as to maintain the same under control, taking into account the grade of highway, general conditions then existing, and to maintain the said vehicle so that it could be safely halted.

e. Violation of the duty to keep said motor vehicle under control at all times.

f. Violation of Section 9.2405 of the Michigan Statutes Annotated, as amended, which provides that a person driving a vehicle on a highway shall equip his vehicle with brakes adequate to control the movement of, and to stop and hold the said vehicle.

g. Violation of the duty to keep a proper lookout for traffic conditions then and there existing, or while keeping said lookout, and failing to heed such conditions.

h. Violation of other duties not heretofore mentioned.

11. Plaintiff further states and alleges that at the time and place herein before set forth the Defendant, JOHN DOE DRIVER, did then and there negligently, carelessly, and without due regard for the rights of Plaintiff fail and neglect to operate his motor vehicle, as required, and as specifically set forth in the preceding paragraph of this Complaint.

12. As a consequence of Defendant, JOHN DOE DRIVER, negligence herein set forth, Plaintiff sustained serious and grievous injuries.

13. Plaintiff further sustained injuries generally throughout his entire body, and sustained injuries and aggravations to pre-existing conditions whether known or unknown at the time.

14. In addition to the physical and mental injuries suffered by Plaintiff, he has also incurred damages both economic and non-economic in nature, including but not limited to lost earnings, and non-economic damages including but not limited to pain, suffering, and loss of normal function.

15. The injuries sustained by Plaintiff constitute a serious impairment of body function, and serious and permanent disfigurement.

COUNT II - OWNER'S LIABILITY AS TO DEFENDANT CITY OF DETROIT

16. Plaintiff incorporates by reference the preceding paragraphs 1-15.

17. That Defendant, CITY OF DETROIT, owed a duty to Plaintiff to entrust the vehicle titled in their name to a reasonably prudent person who would drive with care and circumspection so as to reasonably protect the safety, health, life and property of Plaintiff, and further owed a duty to Plaintiff, and others similarly situated, to act with due and reasonable care under all the circumstances.

18. That contrary to said duties owed to Plaintiff, Defendant, CITY OF DETROIT, was negligent in that they permitted Defendant, JOHN DOE DRIVER, to operate their motor vehicle with their express or implied consent and/or knowledge.

19. Further, Defendant, CITY OF DETROIT, actually or implicitly entrusted the vehicle involved in this accident to Defendant, JOHN DOE DRIVER, who, as Defendant, CITY OF DETROIT, knew or should have known, was a negligent driver, by reason or lack of skill and judgment; and/or was not qualified to operate said motor vehicle in a wise and prudent manner.

20. As a consequence of Defendant, JOHN DOE DRIVER, aforementioned negligence of Michigan Statutes in operating Defendant, CITY OF DETROIT'S automobile with their express or implied consent, Defendant, CITY OF DETROIT, as owner of said automobile is liable for Plaintiff's injuries pursuant to MCL 257.401.

21. As a direct and proximate result of the carelessness and negligence of Defendant, CITY OF DETROIT, Plaintiff sustained the injuries as are more particularly described herein.

COUNT III - BREACH OF CONTRACT

22. Plaintiff incorporates by reference paragraphs 1 through 21.

23. On April 22, 2013, Plaintiff was a passenger on a DDOT bus in the City of Detroit, County of Wayne, State of Michigan, and that by reason of said incident, Plaintiff sustained personal injuries.

24. As a provision of the policy of insurance issued by Defendant, Plaintiff became entitled to receive various benefits pursuant to the Michigan No-Fault Law.

25. Following the incident, the Plaintiff notified Defendant of the incident and completed various forms and reports and otherwise cooperated with Defendant and supplied the Defendant with the terms as requested relating to damages sustained, and which included medical information and Defendant is aware of all the circumstances surrounding the collision and the nature of the injuries sustained by Plaintiff and has been supplied with documentary evidence.

26. That Plaintiff became available for benefits under the policy and demand for payment of such benefits has been made.

27. By reason of the incident, Plaintiff sustained injuries which required medical treatment, rehabilitation treatment, nursing/attendant care, household replacement services, prescription items and medical appliance, wage loss benefits, and other benefits under said policy, and the Plaintiff remains so disabled and unable to perform his normal duties and normal functions in a manner that he could prior to the incident.

28. Under the terms of the policy issued by Defendant, it became the obligation of Defendant to pay all the necessary medical and hospital expenses, including prescriptions and medical appliance and reimburse Plaintiff for all loss of wages less fifteen (15%) percent and to make payment for personal services and household services rendered on behalf of Plaintiff, and to pay any attendant/nursing care for the benefit of Plaintiff and to pay for all other medical rehabilitation expenses incurred as a result of the collision.

29. Plaintiff has requested payment for all these expenses and Defendant has denied payment in spite of numerous demands. The monies are due and owing to Plaintiff from Defendant.

30. Defendant's refusal to make payment and to pay benefits under the terms of the No-Fault policy is unwarranted and unreasonable, and in violation of the terms of the contract, and the applicable statutes, and the Plaintiff requests reimbursement for the expenses and items set forth herein, and further, requests payment of actual attorney fees as may be allocated under the Michigan No-Fault Statutes, and further requests payment for statutory interest as provided by the No-Fault Statute.

COUNT IV DECLARATORY RELIEF

31. Plaintiff incorporates by reference paragraphs 1 through 30.

32. An actual controversy exists between Plaintiff and Defendant, CITY OF DETROIT.

33. The Court must determine the following:

    a. The applicability of the No-Fault Act to the Plaintiff's claims.

    b. The amount of wage-loss benefits, replacement services expenses, medical expenses, No Fault interest, actual attorneys fees, or other benefits owed to Plaintiff.

c. Whether, and in what amount any reduction set-offs, or reimbursements may be claimed by Defendant, CITY OF DETROIT.

d. Other determinations, orders and judgments necessary to fully adjudicate the rights of the parties.

WHEREFORE, Plaintiff, GODFREY WALTERS, requests judgment against each Defendant in whatever amount in excess of Twenty five Thousand ($25,000.00) Dollars as is found to be reasonable and just, plus interest, costs and attorney fees so wrongfully sustained.

Respectfully submitted,

CHRISTOPHER TRAINOR & ASSOCIATES

/s/ Timothy M. Hartner
CHRISTOPHER J. TRAINOR (P42449)
TIMOTHY M. HARTNER (P66237)
Attorneys for Plaintiff
9750 Highland Road
White Lake, MI 48386
(248) 886-8650

Dated: October 19, 2015
TMH/kmm

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

GODFREY WALTERS,

Plaintiff,

-vs-

CASE NO. 15- -NI
HON.

JOHN DOE DRIVER,
and CITY OF DETROIT,

Defendants.

CHRISTOPHER TRAINOR & ASSOCIATES CHRISTOPHER J. TRAINOR (P42449) TIMOTHY M. HARTNER (P66237) Attorneys for Plaintiff 9750 Highland Road White Lake, MI 48386 (248) 886-8650	

DEMAND FOR TRIAL BY JURY

NOW COMES Plaintiff, GODFREY WALTERS, by and through his attorneys, CHRISTOPHER TRAINOR & ASSOCIATES, and hereby makes a Demand for Trial by Jury in the above-entitled cause.

Respectfully submitted,

CHRISTOPHER TRAINOR & ASSOCIATES

/s/ Timothy M. Hartner
CHRISTOPHER J. TRAINOR (P42449)
TIMOTHY M. HARTNER (P66237)
Attorneys for Plaintiff
9750 Highland Road
White Lake, MI 48386
(248) 886-8650

Dated: October 19, 2015
TMH/kmm

EXHIBIT 6D – Watson Complaint

STATE OF MICHIGAN THIRD JUDICIAL CIRCUIT WAYNE COUNTY	SUMMONS AND COMPLAINT	CASE NO. 15-009009-NI Hon. Daphne Means Curtis

2 Woodward Ave., Detroit MI 48226 — Court Telephone No. 313-224-2240

Plaintiff	v	Defendant
Watson, Bobby		City of Detroit
Plaintiff's Attorney Daniel G. Romano, P-49117 23880 Woodward Ave Pleasant Ridge, MI 48069-1133		**Defendant's Attorney**

Mail 2:25 pm

RECEIVED
JUL 17 2015
CITY OF DETROIT
LAW DEPARTMENT

SUMMONS **NOTICE TO THE DEFENDANT:** In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons to **file a written answer with the court** and serve a copy on the other party **or take other lawful action with the court** (28 days if you were served by mail or you were served outside this state). (MCR 2.111[C])
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.

Issued	This summons expires	Court clerk
7/ 9/2015	10/ 8/2015	File & Serve Tyler

*This summons is invalid unless served on or before its expiration date. This document must be sealed by the seal of the court.

COMPLAINT ***Instruction: The following is information that is required to be in the caption of every complaint and is to be completed by the plaintiff. Actual allegations and the claim for relief must be stated on additional complaint pages and attached to this form.***

☐ This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035.

Family Division Cases

☐ There is no other pending or resolved action within the jurisdiction of the family division of the circuit court involving the family or family members of the parties.

☐ An action within the jurisdiction of the family division of the circuit court involving the family or family members of the parties has been previously filed in _____ Court.

The action ☐ remains ☐ is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	Bar no.

General Civil Cases

☐ There is no other pending or resolved civil action arise out of the same transaction or occurrence as alleged in the complaint.

☐ An civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in _____ Court.

The action ☐ remains ☐ is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	Bar no.

VENUE

Plaintiff(s) residence (include city, township, or village)	Defendant(s) residence (include city, township, or village)
Place where action arose or business conducted	

7-9-15
Date

Signature of attorney/plaintiff

If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

STATE OF MICHIGAN THIRD JUDICIAL CIRCUIT WAYNE COUNTY	**PROOF OF SERVICE**	CASE NO. 15-009009-NI

TO PROCESS SERVER: You are to serve the summons and complaint not later than 91 days from the date of filing or the date of expiration on the order for second summons. You must make and file your return with the court clerk. If you are unable to complete service you must return this original and all copies to the court clerk.

CERTIFICATE / AFFIDAVIT OF SERVICE / NONSERVICE

☐ **OFFICER CERTIFICATE** **OR** ☐ **AFFIDAVIT OF PROCESS SERVER**

I certify that I am a sheriff, deputy sheriff, bailiff, appointed court officer, or attorney for a party (MCR 2.104[A][2]), and that: (notarization not required)

Being first duly sworn, I state that I am a legally competent adult who is not a party or an officer of a corporate party, and that: (notarization required)

☐ I served personally a copy of the summons and complaint,

☐ I served by registered or certified mail (copy of return receipt attached) a copy of the summons and complaint, together with _____

List all documents served with the Summons and Complaint

_____

_____ on the defendant(s):

Defendant's name	Complete address(es) of service	Day, date, time

☐ I have personally attempted to serve the summons and complaint, together with any attachments, on the following defendant(s) and have been unable to complete service.

Defendant's name	Complete address(es) of service	Day, date, time

I declare that the statements above are true to the best of me information, knowledge and belief.

Service fee	Miles traveled	Mileage fee	Total fee
$	$	$	$

_____
Signature

_____
Name (type or print)

_____
Title

Subscribed and sworn to before me on _____ (Date), _____ County, Michigan.

My commission expires: _____ (Date) Signature: _____ (Deputy court clerk/Notary public)

Notary public, State of Michigan, County of _____

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received service of the summons and complaint, together with _____ (Attachments)

_____ on _____ (Day, date, time)

_____ on behalf of _____

Signature

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

BOBBY WATSON,

Plaintiff,

vs.

Case No -NI
Hon.

CITY OF DETROIT, a municipal corporation, and JOHN DOE, an unidentified individual

Defendants.

15-009009-NI
FILED IN MY OFFICE
WAYNE COUNTY CLERK
7/9/2015 1:03:29 PM
CATHY M. GARRETT

/

DANIEL G. ROMANO (P49117)
MARK E. SISSON (P75250)
ROMANO LAW, P.L.L.C.
Attorneys for Plaintiff
23880 Woodward Avenue
Pleasant Ridge, Michigan 48069
(248) 750-0270 - Fax: (248) 936-2105
dromano@romanolawpllc.com
msisson@romanolawpllc.com

/

LAW OFFICES
ROMANO LAW, PLLC
23880 Woodward Avenue • Pleasant Ridge, Michigan 48069 • (248) 750-0270

There is no other pending or resolved civil action arising out of the transaction or occurrence alleged in this Complaint.

COMPLAINT AND JURY DEMAND

COUNT I

NOW COMES the above-named Plaintiff herein, BOBBY WATSON, by and through his attorneys, ROMANO LAW, P.L.L.C., and for her cause of action against the Defendants, states:

1. That the Plaintiff, BOBBY WATSON, is a resident of the County of Wayne, State

of Michigan.

2. That the Defendant CITY OF DETROIT is a Municipal Corporation that conducts business in the County of WAYNE and is otherwise doing business and/or established in the County of WAYNE.

3. That the Defendant JOHN DOE was at all times material hereto an employee of Defendant CITY OF DETROIT, but is an unidentified individual.

4. That on or about June 3, 2013, Plaintiff was involved in an auto accident while he was a passenger within Defendant CITY OF DETROIT'S bus and Plaintiff was severely injured.

5. That on said date and at all times material herein, pursuant to MCLA Sec. 500.3101 et seq., there was an insurance policy in full force and effect, which provided Personal Protection Benefits to Plaintiff including the following:

a. Expenses (maximum $20.00 per day) reasonably incurred for necessary services in lieu of those the injured Plaintiffs would have performed for the benefit of Plaintiffs or Plaintiffs' dependents;

b. For all reasonable charges, unlimited in amount, for medical and/or rehabilitative expenses and hospital charges;

c. Reasonable and necessary travel expenses to obtain medical care or attention.

d. Attendant Care;

e. Wage loss

6. That as a result of said automobile accident, the Plaintiff incurred:

a. medical;

b. hospital expenses;

c. Services, including attendant care

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ROMANO LAW, PLLC
23880 Woodward Avenue • Pleasant Ridge, Michigan 48069 • (248) 750-0270

d. Wage loss

7. That although demand for payment of the same has been made, Defendant unreasonably and unlawfully refuses or neglects to pay Plaintiff all Personal Protection Benefits in accordance with MCLA 500.3101 et seq.

8. That although reasonable proof has been supplied, the Defendant unreasonably refused to make payment in accordance with MCLA 500.3101, et seq. although more than thirty (30) days has passed since supplying Defendant with same.

9. That all conditions precedent to recovery has been performed or has occurred.

10. That although requested to do so, Defendant has failed or refuses and/or neglected to pay Plaintiff benefits provided in accordance with MCLA 500.3101 et seq., under said policy of insurance and as of this date, Defendant owes Plaintiff for:

a. Medical and/or hospital expenses and/or medical supplies and attention.

b. Necessary replacement services.

c. Reasonable and necessary attendant care

d. Wage loss.

e. Any and all expenses and damages allowable under the No-Fault statute

11. That Plaintiff has suffered and continues to suffer dire and imminent financial hardship by Defendant's wrongful acts and in this regard is without an adequate remedy at law.

12. That the insurance policy above referred to under which Plaintiff brings this action is:

b. Claim number: A32950-002825

13. That the amount in controversy herein exceeds the sum of Twenty Five Thousand ($25,000.00) Dollars and that declaratory and/or equitable relief is sought.

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ROMANO LAW, PLLC
23880 Woodward Avenue • Pleasant Ridge, Michigan 48069 • (248) 750-0270

WHEREFORE, Plaintiff demands the following relief:

a. That this Court grant judgment against the Defendant in whatever amount Plaintiff is found to be entitled, together with interest, costs and actual attorney fees for Defendant's unreasonable and unlawful failure to pay said no-fault benefits;

b. That the Court order the speedy hearing of this action and advance it on the calendar as made and provided in MCR 2.605(D);

c. That this Court issue an Order to Show Cause;

d That the Court grant such further relief as is necessary and proper in the above cause.

COUNT II and COUNT III
MOTOR VEHILE EXCEPTION TO GOVERMENTAL IMMUNITY
And GROSS NEGLIGENCE AGAINST DEFENDANT DRIVER

Plaintiff reincorporates all of the Allegations, as though fully stated herein.

14. On the date of loss, Defendants breached their duties to Plaintiff. Defendant City of Detroit breached its duty by allowing the negligent operation of the motor vehicle under the Motor Vehicle Code, (and Defendant DOE breached his/her duties by grossly negligent operation of the bus) being MSA 9.2101 *et seq.*, Ordinances of the City of Detroit, and the laws of the State of Michigan including the Exceptions to Government Immunity at MCLA 691.1401 et seq, specifically the Motor Vehicle Exception (691.1405), and the common law in at least one or more of the following ways:

A. In driving at an excessive rate of speed, under the conditions then and there existing;

B. In failing to yield the right of way;

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ROMANO LAW, PLLC
23880 Woodward Avenue • Pleasant Ridge, Michigan 48069 • (248) 750-0270

C. In driving in such a manner as to be unable to stop within the assured clear distance ahead;

D. In failing to keep a reasonable lookout for other persons and vehicles using said highway;

E. In failing to have the vehicle equipped with proper brakes and/or failing to apply said brakes in time;

F. In failing to drive with due care and caution;

G. In failing to take all possible precautions to avoid any collision with other motor vehicles;

H. In failing to make and/or renew observations of the conditions of traffic on the highway; and

I. In driving while under the influence of intoxicating liquors.

15. That among those Statutes Defendants JOHN DOE and CITY OF DETROIT violated are:

M.C.L.	257.401	Owner liability;
M.C.L.	257.402	Vehicle struck from rear;
M.C.L.	257.601(b)	Moving Violations in Construction Zones
M.C.L.	257.603	Exemptions for Government and Authorized Emergency vehicles
M.C.L.	257.611	Avoiding Traffic Control Devices by driving through or upon property
M.C.L.	257.612	Obedience to traffic control devices;
M.C.L.	257.613	Pedestrians;
M.C.L.	257.614	Flashing red or yellow signals;

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M.C.L.	257.617 and M.C.L. 257.617(a)	Stopping after accident;
M.C.L.	257.618	Stopping - damage to vehicle;
M.C.L.	257.619	Giving information;
M.C.L.	257.622	Damages - must make police report;
M.C.L.	257.625	Driving while intoxicated;
M.C.L.	257.626	Reckless driving;
M.C.L.	257.626(a)	Drag racing;
M.C.L.	257.626(b)	Careless or negligent driving;
M.C.L.	257.627	General restrictions as to speed - assured clear distance ahead;
M.C.L.	257.627(a)	Speed limit in school zones;
M.C.L.	257.628	Failure to observe a speed limit or traffic control sign or signal;
M.C.L.	257.632	Vehicles under police direction in emergencies; exemptions
M.C.L.	257.634	Overtaking and passing on left of vehicle;
M.C.L.	257.635	Passing oncoming vehicles;
M.C.L.	257.636	Passing on left side of vehicle;
M.C.L.	257.637	Passing on right side of vehicle;
M.C.L.	257.638	Limitations on passing;
M.C.L.	257.639	Unlawful driving on left side of roadway;
M.C.L.	257.640	No passing zones;
M.C.L.	257.641	Driving in direction designated;
M.C.L.	257.642	Roadway with two or more marked lanes;
M.C.L.	257.643	Following too closely;

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M.C.L.	257.644	Divided highway - crossing;
M.C.L.	257.645	Limited access - roadway;
M.C.L.	257.647	Turning at intersection;
M.C.L.	257.648	Stopping or turning and signals;
M.C.L.	257.649	Right-of-way; stop signs; merging;
M.C.L.	257.650	Turning left at intersection;
M.C.L.	257.652	Stopping before entering highway from alley or private driveway;
M.C.L.	257.653	Emergency vehicles;
M.C.L.	257.654	Funeral procession; right of way;
M.C.L.	257.655	Pedestrian on highway;
M.C.L.	257.657	Bicycle or moped riders, rights and duties
M.C.L.	257.674	Prohibited parking;
M.C.L.	257.674(a)	Clear vision area; prohibited parking;
M.C.L.	257.675	Parking Regulations
M.C.L.	257.675(a)	Unlawful Standing or Parking; Presumptions as to Owner's Guilt
M.C.L.	257.676b	Interference with flow of traffic;
M.C.L.	257.677	View or control of driver;
M.C.L.	257.683	Unlawful to drive or, as owner, permit to be driven or moved unsafe vehicle;
M.C.L.	257.684	Head lights;
M.C.L.	257.686	Tail lights;
M.C.L.	257.694	Parked vehicles; lighting;
M.C.L.	257.697	Signal devices;

M.C.L.	257.698	Flashing, oscillating or rotating lights;
M.C.L.	257.699	Multiple beam head lights;
M.C.L.	257.700	Use of head lights;
M.C.L.	257.703	Speed requirements in connection with lights;
M.C.L.	257.705	Brakes;
M.C.L.	257.706	Horns and warning devices;
M.C.L.	257.708	View of rear; mirrors;
M.C.L.	257.709	Unobstructed windshield and windows;
M.C.L.	257.713	Flares and other warning devices - display of disabled vehicles;
M.C.L.	257.720	Spilling load on highway;
M.C.L.	480.11, et seq.	Motor Carrier Safety Act of 1963;
M.C.L.	691.1405	Government owned vehicles; liability for negligent operation;
49 C.F.R.		Motor Carrier Safety Act Code of Federal Regulations.

16. Plaintiff sustained injuries as a direct and proximate result of the Defendants' negligent and grossly negligent operation of a government owned vehicle, as herein alleged.

17. As a direct and proximate result of the gross negligence of Defendant DOE, and Defendant City of Detroit's negligence pursuant to the Motor Vehicle Exception to Government Immunity, their agents, servants and/or employees either real or ostensible, as aforesaid, Plaintiff:

a. Sustained severe bodily injuries which were painful, disabling and necessitated medical care, including, but not limited to neck, back, shoulders, knees, and severe emotional distress.

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b. Suffered shock and emotional damage.

c. Sustained possible aggravation of preexisting conditions and/or reactivation of dormant conditions.

d. Was unable to attend to his/her usual affairs.

e. Was unable to render services, as formerly.

f. Hampered Plaintiff in the enjoyment of the normal pursuit of life, as before.

g. Said injuries are permanent, to the degree that Plaintiff suffered a loss in ability to earn money as before, and will have impaired earning capacity in the future.

h. Plaintiff will continue to have pain and suffering as well as permanency, all as a result of Defendant's conduct, as herein before alleged.

i. Plaintiff's injuries include, but are not limited to: neck, back, shoulders and others to be revealed through discovery.

18. As a direct and proximate result of the negligence of Defendants, Plaintiff sustained a serious impairment of a body function and/or permanent serious disfigurement, including but not limited to: neck, back, shoulders, knees, and other parts of his body, externally and internally, and some or all of which interferes with his enjoyment of life and causes him great pain and suffering.

19. That should it be determined at the time of trial that said Plaintiff BOBBY WATSON was suffering from any pre-existing conditions, at the time of the aforesaid collision, then and in such event, it is averred that the negligence of Defendant precipitated, exacerbated and aggravated any such pre-existing conditions.

20. That the Plaintiff BOBBY WATSON has had to incur expenses for hospital, doctor, domestic and other miscellaneous expenses and will incur more such expenses in the future and has suffered a loss of income, past, present and future, as a proximate result of Defendants negligence.

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21. That the amount in controversy exceeds Twenty-Five Thousand Dollars ($25,000.00), exclusive of interest, costs, and attorney fees, and is otherwise within the jurisdiction of this Court.

WHEREFORE, the Plaintiff herein prays for a judgment in whatever amount above Twenty-Five Thousand Dollars ($25,000.00) the Plaintiff is found entitled in addition to all other statutory damages including interest, costs, and attorney fees.

COUNT IV

Plaintiff hereby realleges, reaffirms and incorporates herein by reference all allegations in paragraphs numbered 1-21.

22. Plaintiff hereby claims damages for allowable expenses and work loss in excess of the daily, monthly, and three (3) year limitations plus all other economic damages allowable under the Michigan No-Fault Law.

23. Plaintiff hereby claims all non-economic damages for the serious impairment of body function and/or permanent serious disfigurement as more clearly set out in the injuries listed in Count I.

WHEREFORE, the Plaintiff, BOBBY WATSON, now claims judgment for whatever amount he is found to be entitled, plus court costs, attorney fees and interest from the date of filing this Complaint.

COUNT V

Plaintiff hereby realleges, reaffirms and incorporate herein by reference all allegations in paragraphs numbered 1-23.

24. CITY OF DETROIT is the employer of JOHN DOE who was acting within the course and scope of his/her employment with Defendant CITY OF DETROIT at the

time of the accident herein.

25. That in addition to the allegations set out in the previous counts, Defendant JOHN DOE'S employer, CITY OF DETROIT is liable for Defendant DOE'S negligence under the doctrine of Respondeat Superior.

26. That as a proximate cause of Defendant JOHN DOE'S negligence, Plaintiff BOBBY WATSON was seriously injured and suffered additional injuries and damages as set out in the previous counts.

WHEREFORE, the Plaintiff BOBBY WATSON now claims judgment for whatever amount he is found to be entitled, plus court costs, attorney fees and interest from the date of filing this complaint.

COUNT VI

Plaintiff hereby realleges, reaffirms and incorporates herein by reference all allegations in paragraphs numbered 1-26.

27. That the defendant-owners, carelessly, recklessly and negligently entrusted said motor vehicle and the operation thereof to the defendant-driver, the latter being a person incompetent and unfit to drive a motor vehicle upon the roads and highways of the State of Michigan by reason of inability, inexperience, and consistently negligent driving, all of which were known by the defendant-owners, or should have been known in the exercise of reasonable care and caution by the defendant-owners, that the defendant-owners are hereby guilty of negligence, independent of defendant-driver.

WHEREFORE, the Plaintiff, BOBBY WATSON, now claims judgment for whatever amount he is found to be entitled, plus costs, attorney fees and interest from the date of filing this Complaint.

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Dated: July 9, 2015

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DEMAND FOR JURY TRIAL

NOW COMES Plaintiff BOBBY WATSON by and through his attorneys, and hereby make a formal demand for a trial by jury.

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BY: */s/ Daniel G. Romano*
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July 9, 2015

CERTIFIED-RETURN RECEIPT REQUESTED
The City of Detroit
C/O The City of Detroit Law Department
2 Woodward Avenue, Suite 500
Detroit, MI 48226

RE: Bobby Watson v The City of Detroit, et al
Our Fil No. 351769

To Whom It May Concern:

Enclosed please find a Complaint and Summons relative to the above-captioned matter.

Thank you for your kind attention to this matter.

Very truly yours,
ROMANO LAW, P.L.L.C.

Mark E. Sisson

MES/mc