



**TO:** Members of Troy City Council  
**FROM:** Lori Grigg Bluhm, City Attorney *LGB*  
Susan M. Lancaster *sml*  
**DATE:** June 9, 2011  
**SUBJECT:** Robert and Michelle Riddle v. City of Troy

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Enclosed please find a copy of a lawsuit that was recently filed against the City of Troy by Robert and Michelle Riddle. According to the complaint, Plaintiff was allegedly injured on August 22, 2010, when the tires of the bicycle he was riding on Square Lake Road in front of Fire Fighter's Park got caught in a gap in the concrete, causing him to fall from the bike.

Plaintiffs seek damages in excess of \$25,000 for alleged injuries to Robert Riddle's left shoulder, left hand and fingers and his elbow and wrist. Michelle Riddle is claiming damages for the loss of Robert Riddle's services, companionship and consortium.

Absent objections from City Council, our office will represent the City's interests. As always, please let us know if you have any questions.



STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

ROBERT RIDDLE and  
MICHELLE RIDDLE,

Plaintiffs,

Case No: NO

vs.

CITY OF TROY, a municipal  
Corporation,

Defendant.

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BRIAN A. KUTINSKY (P39107)  
Attorney for Plaintiff  
25505 W. 12 Mile Road, #1000  
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**PLAINTIFFS' COMPLAINT AND DEMAND FOR JURY TRIAL**

NOW COME the Plaintiffs, ROBERT RIDDLE and MICHELLE RIDDLE, by and through their attorneys, MINDELL, MALIN, KUTINSKY, STONE & BLATNIKOFF, and for their Complaint against the Defendant and state as follows:

1. That the Plaintiffs, Robert Riddle and Michelle Riddle, husband and wife, are and has been at all times pertinent hereto, residents of the City of Troy, County of Oakland, State of Michigan.
2. That the Defendant, City of Troy, is a municipal corporation existing within the County of Oakland, State of Michigan.
3. That the amount in controversy is in excess of TWENTY-FIVE THOUSAND (\$25,000.00) DOLLARS or is otherwise within the jurisdiction of this court.

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STONE & BLATNIKOFF  
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4. That jurisdiction exists in this court by virtue of an incident which occurred on or about August 22, 2010 at approximately 12:00 p.m. when the Plaintiff, Robert Riddle was riding his bicycle the city sidewalk located on northbound Square Lake Road between Crooks and Coolidge in front of the Fire Fighters Park in the City of Troy, County of Oakland, State of Michigan involving all parties to this action.

5. That on August 22, 2010, the Plaintiff, Robert Riddle, was riding his bicycle along the sidewalk located on northbound Square Lake Road between Crooks and Coolidge in front of the Fire Fighters Park when the tires of his bicycle became caught in the gap in the concrete causing Plaintiff to fall from his bicycle onto the pavement, causing Plaintiff to sustain serious injuries which are set forth below.

6. That the Defendant, City of Troy, pursuant to statute, MCLA 691.1402, was responsible for maintaining sidewalks within the City of Troy in reasonable repair so that the sidewalks and specifically, the sidewalk upon which Plaintiff was traversing at the time of his injury was reasonably safe and convenient for public travel.

7. That the sidewalk where Plaintiff fell was under the control and jurisdiction of the Defendant, City of Troy, at the time of Plaintiff's injury.

8. That the Defendant, City of Troy, was aware of the alleged defect which resulted in Plaintiff's injury by both constructive and actual notice, for a period in excess of 30 days before Plaintiff's injury took place.

9. That following the injury, Plaintiff provided formal notice to the City of Troy in a time period set forth by statute.

10. That the Defendant, City of Troy, pursuant to statute, owed to Plaintiff, Robert Riddle, the duty to maintain the sidewalk in a condition of reasonable repair and therefore reasonably safe and convenient for public travel and that the Defendant, City of Troy, violated the duty by failing to maintain the sidewalk located on northbound Square Lake Road between

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Crooks and Coolidge in front of the Fire Fighters Park in the City of Troy in reasonable repair by failing to repair the gap in the concrete pavement which caused Plaintiff to fall.

11. That said Defendant, in violation of the above duties and obligations, did herein fail in each of the above duties and as a direct and proximate result of the negligence of the Defendant, Plaintiff, Robert Riddle, fell to the ground and sustained serious, grievous and permanent injuries as is more particularly stated hereinafter.

12. That the Plaintiff, Robert Riddle, was a healthy, able-bodied person capable of performing all of the normal functions of a person of his age prior to the Defendant's acts of negligence herein complained of, and that since that time Plaintiff has become injured and unable to perform normal functions by reason of her injuries.

13. That the injuries sustained by Plaintiff, Robert Riddle, include injuries to his left shoulder requiring two surgeries, injuries to his left hand and fingers, elbows and wrist as well as injuries generally throughout the entire body and sustained injuries and aggravations to preexisting whether known or unknown at the time.

15. That as a result of the injuries sustained, Plaintiff has been compelled to expend large sums of money for medical and hospital expenses and prescriptions items and will be compelled to expend further sums in the future.

16. That as a result of the Defendant's acts of negligence the Plaintiff has suffered and will continue to suffer an impairment of his earning capacity.

17. That the injuries sustained by the Plaintiff are of a permanent nature and incurable character and that these conditions remain with the Plaintiff for the balance of his normal life.

18. That as a direct and proximate result of the Defendant's negligence, Plaintiff, Michelle Riddle, has been, and will in the future be, deprived of the services, assistance, companionship and consortium of the Plaintiff, Robert Riddle, which he would have provided

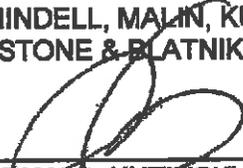
WHEREFORE, Plaintiffs seek judgment against the Defendant in such amount in excess of

TWENTY-FIVE THOUSAND (\$25,000.00) DOLLARS as may be determined to be fair, just and equitable, together with interest, court costs and attorney fees.

Respectfully submitted,

MINDELL, MALIN, KUTINSKY,  
STONE & BLATNIKOFF

By: \_\_\_\_\_

  
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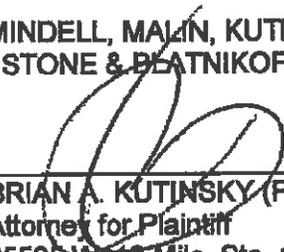
**JURY DEMAND**

NOW COME the Plaintiffs, ROBERT RIDDLE and MICHELLE RIDDLE, by and through their attorneys, MINDELL, MALIN, KUTINSKY, STONE & BLATNIKOFF, and hereby demands a trial by jury in this matter.

Respectfully submitted,

MINDELL, MALIN, KUTINSKY,  
STONE & BLATNIKOFF

By: \_\_\_\_\_

  
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Date: 5/24/11

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