



**TO:** Mayor and Members of Troy City Council  
**FROM:** Lori Grigg Bluhm, City Attorney  
Christopher J. Forsyth, Assistant City Attorney  
**DATE:** March 17, 2006  
**SUBJECT:** Paul Weill v. City of Troy and Sanctuary Lake Golf Course

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Enclosed please find a copy of the Order Granting Summary Disposition in the case filed by Paul Weill against the City of Troy and Sanctuary Lake Golf Course. This order was entered after a hearing on March 6, 2006, where visiting retired Judge Michael Batchik was substituting for Judge Michael Martone. This order dismisses the lawsuit in its entirety.

Mr. Weill initially filed his complaint against the City and Sanctuary Lake Golf Course on November 11, 2005. The case was filed in the 52-4 District Court. Mr. Weill's home is adjacent to the Sanctuary Lake Golf Course. According to the allegations in the complaint, an unknown person hit an errant golf ball on the Sanctuary Lake Golf Course on August 29, 2005. This golf ball allegedly hit and damaged Mr. Weill's truck, which was parked outdoors on his property. Weill claimed that the City of Troy was negligent in the design and/or maintenance of Sanctuary Lake Golf Course. Weill argued that this alleged negligence led to the damage to his personal property (his vehicle), and therefore he sought compensation from the City.

In our motion for summary disposition, we argued that the City and the Golf Course are granted governmental immunity under the laws of the State of Michigan. Under state statute, municipalities are provided with immunity, since they undertake to provide services that private entities may not provide, due to risk management concerns. Examples of these services include providing and servicing roads, sidewalks and recreational facilities. This immunity is not absolute, however, and may be pierced if a governmental entity is exercising reasonable diligence in maintenance of roads and sidewalks. Another statutory exception is when government owned motor vehicle causes an injury. In these cases, the Michigan no fault act governs. A third exception to the broad grant of governmental immunity is when a municipality enters into a private business arena, and engages in an activity for the sole purpose of producing a profit. This exception is called the proprietary exception to governmental immunity.

In our motion for summary disposition, we argued that Plaintiff had failed to establish any of the statutory exceptions to governmental immunity, and therefore dismissal of the case was appropriate. Judge Batchik agreed with our argument, and granted our motion. He specifically found that the proprietary exception to governmental immunity was not applicable.

If you have any questions, please let us know.

STATE OF MICHIGAN  
IN THE 52/4 DISTRICT COURT

PAUL WEILL,

Plaintiff,

v

Case No. 05-CO 3226 SCO1

CITY OF TROY and SANCTUARY  
LAKE GOLF COURSE,

Defendant.

City of Troy – City Attorney's Office  
Lori Grigg Bluhm (P46908)  
Christopher J. Forsyth (P63025)  
Attorneys for Defendant  
500 W. Big Beaver Road  
Troy, MI 48084  
(248) 524-3320

**ORDER GRANTING DEFENDANTS' MOTION FOR  
SUMMARY DISPOSITION**

At a session of said court  
held in the courthouse in the  
City of Troy, Oakland County, MI.  
on: MAR 13 2006

PRESENT:

JUDGE DOYLE

JUDGE MARTONE

DISTRICT COURT JUDGE

This matter came before the Court upon Defendants' Motion for Summary  
Disposition, the Court having heard from counsel for Defendants and the Plaintiff  
and being advised of the premises;

IT IS ORDERED that this matter be dismissed with prejudice for the  
reasons stated on the record on March 6, 2006.

JUDGE DOYLE

District Judge

JUDGE MARTONE

RECEIVED FOR TRO  
MAR 13 2006  
52/4 DISTRICT COURT  
TROY, MI

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