



TO: Mayor and Members of Troy City Council
FROM: Lori Grigg Bluhm, City Attorney
Susan M. Lancaster, Assistant City Attorney
DATE: February 8, 2007
SUBJECT: Mary Ann Hennig v. City of Troy

Enclosed please find a copy of a lawsuit, filed by Mary Ann Henning against the City of Troy. Ms. Hennig was allegedly injured when Troy Police Officer Joseph Mairorano accidentally hit her vehicle on February 17, 2006. Ms. Henning was driving her vehicle northbound on I-75.

At the time of the accident, Officer Mairorano was participating in the pursuit of a vehicle on northbound I-75. Just prior to the accident, the driver of this vehicle (Demario Williamson) engaged in activities that were consistent with drug trafficking at the Red Roof Inn on Rochester Court in Troy. In an effort to evade the police, Mr. Williamson started to go north on I-75. As he was traveling, he threw out a handgun and other unidentified items from the car. One of these items was later discovered to be a large bag of crack cocaine.

In an effort to stop the fleeing vehicle and to minimize potential damage, the Troy Police Officers attempted to box in the Williamson vehicle, which is an accepted police practice. Mr. Williamson then attempted to escape, which caused Officer Mairorano to break to the right- where he made a minor contact with another police vehicle, and then spun into Ms. Hennig's vehicle.

The extent of Ms. Hennig's alleged injuries will be revealed during discovery. In her complaint, she alleges that she received serious impairment to a bodily function, as well as serious neurological injury. She alleges that her damages exceed \$25,000, which is the jurisdictional amount required for personal injury lawsuits to be filed in the Circuit Court. It should be noted that after the accident, Ms. Hennig was able to get out of her vehicle and walk around the scene. She did not request medical assistance at the time.

Our office will assume defense of this lawsuit absent objection from City Council. Please let us know if we can provide additional information.

07-080621-NI



STATE OF MICHIGAN JUDICIAL DISTRICT 6TH JUDICIAL CIRCUIT	SUMMONS AND COMPLAINT	07
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Court Address - 1200 N. Telegraph Road, Pontiac, MI 48341

(248) 85

OAKLAND COUNTY JUDGE FRED M. MESTER
HENNIG, MARY, A V TROY CITY

Plaintiff name(s), address(es) and telephone no(s) MARY ANN HENNIG
Plaintiff attorney, bar no., address, and telephone no. LARRY W. BENNETT (P26294) COX, HODGMAN & GIARMARCO, P.C 101 W. Big Beaver Rd., 10th Floor Troy, MI 48084-5280 (248) 457-7037

Defendant name(s), address(es), and telephone no(s) CITY OF TROY Clerk's Office 500 West Big Beaver Road Troy, Michigan 48084

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 to 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.

Issued	This summons expires	Court clerk
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This summons is invalid unless served on or before its expiration date **FEBRUARY 7 2007**

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 _____. The docket number and assigned judge are:

(Name of court)		
Docket no	Judge	Bar no

This action remains is no longer pending.

VENUE	
Plaintiff(s) residence (include city, township, or village) County of Oakland, State of Michigan	Defendant(s) residence (include city, township, or village) County of Oakland
Place where action arose or business conducted County of Oakland, State of Michigan	

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

February 5, 2005
Date

[Signature]
Signature of attorney/plaintiff - LARRY W. BENNETT (P26294)

COMPLAINT IS STATED ON ATTACHED PAGES. EXHIBITS ARE ATTACHED IF REQUIRED BY COURT RULE.
MC 01 (6/95) SUMMONS AND COMPLAINT

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

MARY ANN HENNIG

Plaintiff

vs.

Case # 07-

- 141

CITY OF TROY

Defendant

LARRY W. BENNETT, P26294
Cox, Hodgman & Giarmarco, P.C.
Attorney for Plaintiff
101 West Big Beaver, 10th Floor
Troy, Michigan 48084
(248) 457-7000



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COMPLAINT AND JURY DEMAND

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 had any such action been previously filed and dismissed or transferred after having been assigned to a Judge, nor do I know of any other civil action, not between these parties, arising out of the same transaction or occurrence as alleged in this Complaint that is either pending or was previously filed and dismissed, transferred, or other wise disposed of after having been assigned to a Judge in this court.

Plaintiff, Mary Ann Hennig, through her counsel, Cox, Hodgman & Giarmarco, P.C. states:

General Allegations

1. Plaintiff is resident of the County of Oakland.
2. Defendant is a municipality established in the County of Oakland.
3. The original injuries occurred in the County of Oakland.
4. The amount in controversy is in excess of \$25,000.00, exclusive of costs and interest.



Attorneys and Counselors at Law

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5. On or about February 17, 2006, Plaintiff was operating a motor vehicle and was entering northbound I-75 at the Crooks Road entrance.

6. At the same time, Joseph Francis Mairorano was operating a City of Troy police vehicle northbound on I-75.

7. As Plaintiff entered the freeway, Officer Mairorano lost control of his vehicle causing it to spin out and crash into Plaintiff's vehicle.

8. As a proximate result of the collision, Plaintiff suffered several injuries amounting to serious impairment of body function and serious neurological injury.

Count I

9. Plaintiff incorporates all prior paragraphs as if fully set forth.

10. Joseph Mairorano owed Plaintiff the following duties; among others:

- a. To make proper lookout and proper observations for the safety of others, including Plaintiff;
- b. To use due care and caution in operating a motor vehicle;
- c. To maintain proper and reasonable control over his vehicle;
- d. To obey relevant and applicable city, county and state ordinance and statutes in regard to the operation of a motor vehicle, as well as all traffic signs and signals;

11. Joseph Mairorano breached the above duties by operating his motor vehicle in a careless, negligent and reckless manner including, but not limited to, losing control of his vehicle and spinning into Plaintiff's vehicle.

12. Joseph Mairorano's conduct was the most immediate, efficient, direct and proximate cause of injuries to Plaintiff which amount to serious impairment of body function and serious neurological injury, including but not limited to:



COX,
HODGMAN &
GIARMARCO, P.C.

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- a. Injuries to her head, neck, back, knee and other areas of her body;
- b. Bruising, swelling, restricted range of motion;
- c. Cognitive damage;
- d. Physical pain and suffering;
- e. Mental pain and suffering;
- f. Loss of income;
- g. All other damages which may be revealed or discovered during the case or authorized by the law of the State of Michigan.

RELIEF REQUESTED

Plaintiff requests a Judgment in such an amount in excess of \$25,000.00 as this Court deems her to be entitled, plus costs, interest, attorney fees, and such other and further relief as this Court deems appropriate.

Respectfully submitted

By: 
Larry W. Bennett

JURY DEMAND

Plaintiff requests a trial by jury.

Respectfully submitted,

By: 
Larry W. Bennett

Dated: February 5, 2007