



CITY COUNCIL AGENDA ITEM

TO: Members of the Troy City Council
FROM: Lori Grigg Bluhm, City Attorney *LG*
DATE: June 16, 2015
SUBJECT: Ledell Hammond v. City of Troy, et al. Lawsuit

Ledell Hammond filed the attached lawsuit against the City and individual Troy police officers and A & M towing, Oakland County individuals, and Michigan Secretary of State Ruth Johnson. Mr. Hammond's 2005 Grand Prix was seized in August 2014, as part of an on-going armed robbery investigation. The car was taken to our towing contractor, A & M Towing, and a police hold was put on the vehicle since it was evidence and/or an instrumentality of the armed robbery. Mr. Hammond was not officially charged with armed robbery, but as a result of the police investigation, he pled guilty to the charge of hinder and obstruct police officers and driving without a valid license. His passenger was charged with armed robbery, and was recently convicted of the felony charge, and a third associate was also charged and convicted of the armed robbery at the Troy Walmart store. These two armed robbery convictions are now being appealed in the Michigan Court of Appeals.

A short time after the armed robbery convictions, the Troy police department released the police hold on the Plaintiff's vehicle. He was informed of the release on May 4, 2015. However, before he could pick up the vehicle, he needed to pay to A & M the accrued storage fees of \$15 per day. Plaintiff then attempted to challenge the towing fees by filing a petition with the 52-4 District Court. The Court rejected the filing as untimely, since any such petition needed to be filed within 20 days, and Plaintiff's petitions were not timely submitted. Plaintiff has included Oakland County as a defendant in this lawsuit, based on the rejection of this petition.

Plaintiff has not yet paid the storage fees to A & M, and the accrued storage fees exceed the Kelley's bluebook value of Plaintiff's 2005 car. On May 31, 2015, the police department reported the abandonment of the car to the Secretary of State, who is also a named defendant in this lawsuit. This step allows A & M to auction off an abandoned vehicle in an attempt to recoup some of the unpaid storage charges. Plaintiff has also named A & M as a defendant in this lawsuit.

Plaintiff filed this lawsuit in the U.S. District Court, and it has been assigned to Judge Paul D. Borman. In his lawsuit, he claims negligence and an alleged 4th Amendment violation. He asks for the release of the vehicle, plus punitive damages. He also argues that the Court, A & M, and the City conspired to commit a RICO violation, entitling him to treble damages. He has also filed an emergency motion, seeking an order prohibiting the auction of the Grand Prix automobile.

PROPOSED RESOLUTION:

RESOLVED, that the City Attorney is hereby authorized and directed to represent the City of Troy and the Troy Police Department in any and all claims and damages in the matter of *Ledell Hammond v. City of Troy, et al.* (Case No. 2:15-cv-12051). The City Attorney is also authorized to pay necessary costs and fees in the defense of the action.

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

LEDELL HAMMOND, In Propria Prosona,

Plaintiff(s),

v.

CITY OF TROY, a municipal corporation
and TROY POLICE DEPARTMENT and
52-4 DISTRICT COURT, a government
entity; A & M SERVICE CENTER &
TOWING, a municipal contractor
corporation and Ruth Johnson; Secretary of
State,

Jointly and severally,

Defendant(s).

**Case No. 2:15-cv-12051
Judge: Borman, Paul D**

**COMPLAINT FOR EQUITABLE
DAMAGES, PUNITIVE
DAMAGES, AND REQUEST FOR
INJUNCTIVE RELIEF**

JURY TRIAL DEMANDED

Date Action filed: June 5, 2015

VERIFIED COMPLAINT/INJUNCTIVE RELIEF

Preliminary Statement

This is a Federal Question in which the Plaintiff, LeDell Hammond seeks relief for the Defendant(s) violations of his rights secured by Title 42 U.S.C. 1983, by the United States Constitution, including but not limited to The Fourth, Fifth and Fourteenth Amendments, and by the laws and Constitution of The State of Michigan. Plaintiff seek exemplary, compensatory, reimbursements and punitive damages, an award of costs, interest, and litigation fees and further relief as this Honorable Court deems just and necessary. There is no other civil action between these parties arising out of the same transaction or occurrence as alleged in the Complaint pending in this Court.

NOW COMES Plaintiff, LeDell Raymon Hammond acting Sui Juris, In Propria Persona, and without the benefit of counsel and moves this complaint against said Defendant(s) above named. Plaintiff hereby states as follows:

I. JURISDICTION AND VENUE

1. This Court has jurisdiction pursuant to the following statutes:
 - a. 28 U.S.C. § 1331, which gives district courts original jurisdiction over

1 civil actions arising under the Constitution, laws or treaties of the United States;

2 b. 28 U.S.C. §1367, Which gives the district court supplemental
3 Jurisdiction over state claims.

4 2. Jurisdiction is conferred upon this Court by 28 U.S.C 1331 and 1343 this being an
5 action seeking redress for violation of Plaintiff's constitutional rights.

6 3. Venue is appropriate in this judicial district under 28 U.S.C. §1391(b) because
7 the events that gave rise to this Complaint occurred in this district. Therefore, jurisdiction of
8 this court is proper.
9

10 II. PARTIES

11 4. Plaintiff is a citizen of the United States and resides in the County of
12 Wayne, in the State of Michigan, which is in this judicial district.

13 5. Defendant, CITY OF TROY, a municipal corporation is a Public entity in the County
14 of Oakland . As such had an obligation, Constitution duty and Oath to protect and maintain
15 individual rights.
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17 6. Defendant, TROY POLICE DEPARTMENT, a municipal corporation in the County of
18 Oakland without the enjoyment of immunity. As such had an obligation, Constitution duty
19 and Oath to protect and maintain individual rights.
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21 7. Defendant, 52-4 DISTRICT COURT , a government entity in the County of Oakland
22 without the enjoyment of immunity. As such had an obligation, Constitution duty and
23 Oath to protect and maintain individual rights.
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25 8. Defendant, A & M SERVICE CENTER & TOWING, a municipal contractor
26 corporation in the County of Oakland.
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1 9. Defendant, Ruth Johnson; Secretary of State is being sued in her Official capacity as a
2 Public citizen for a State Corporation . As such She had an obligation, Constitution duty
3 and Oath to protect and maintain individual rights.

4 Defendant(s) are both employed by public entities, for the purposes of
5 Maintaining and protecting individual rights of The Federal and State Constitution(s).
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7 I. COMPLAINT

8 10. This complaint seeks equitable and injunctive relief for Private Property secured by
9 Title 42 U.S.C. 1983, by the United States Constitution, including but not limited to The
10 Fourth, Fifth and Fourteenth Amendments, and by the laws and Constitution of The State of
11 Michigan, resulting in deprivation of rights and property . This complaint additionally seeks
12 damages for liability and failure to Comply with MCL 257.252 . Finally, this complaint seeks
13 treble and punitive damages for fraud and conspiracy in violation of the Racketeer Influenced
14 and Corrupt Organizations Act (RICO), 18 U.S.C. (sec) 1962 for Defendants' collective and
15 organized concealment of private property from Plaintiffs, resulting in loss and damages of
16 Private property.
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18 II. FACTUAL ALLEGATIONS

19 11. On or about August 14, 2014, Defendant, "TROY POLICE DEPARTMENT" through
20 there contractor A & M SERVICE CENTER & TOWING, Search and seized Plaintiff's "2005
21 Black Grand Prix VIN 2G2WP522751274779" illegally and without warrant. In addition
22 Defendant " TROY POLICE DEPARTMENT" place a hold on said vehicle pursuant to Police
23 Order which Plaintiff have not been served to date. In result of towing and Police hold,
24 unreasonable towing fees has occurred over 4,000.00 dollars . On May 10, 2015 after multiple
25 attempts to contact Troy Police to obtain vehicle, Plaintiff received a voicemail from Detective
26 Shooler of Troy Police Department Stating that hold had been released as of May 4, 2015.
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1 Plaintiff then was told by A &M towing that fees had to be paid in order to release vehicle in
 2 the amount of 4,000.00. Defendant " A &M towing then refused to issue a itemized bill and /or
 3 no bill of particles at all. On May 26, 2015, Plaintiff fax and delivered letter of intent and
 4 demand for property. In addition on May 28, 2015, Plaintiff filed a petition with 52-4 District
 5 pursuant to MCL 257.252f to contest storage fees. Defendant "52-4 DISTRICT COURT"
 6 erroneously rejected petition stating " Petition can only be filed 20 days after receiving notice of
 7 abandonment from secretary of State" pursuant to MCL 257.252f , even though Plaintiff
 8 declared he never received any notice because the vehicle was on police hold.
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10 FIRST CAUSE OF ACTION

11 Negligence

12 12. Defendant "52-4 District Court" erroneously rejected petition without merit and
 13 contrary to the intent of MCL 257.252f . In result causing Plaintiff to default on obtaining
 14 unlawfully sized property.
 15

16 13.. Defendant "Troy Police Department" had a duty to release vehicle which was in
 17 there custody because defendant failed to obtain a warrant contrary to Law.
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19 14. All Defendants breached their respective duties to the Troy Community and to
 20 Plaintiff. As a result, Plaintiffs have suffered damages indicated above.
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22 SECOND CAUSE OF ACTION

23 Violation of 4th amendment

24 15. Plaintiff adopts by reference the preceding paragraphs.
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THIRD CAUSE OF ACTION

Punitive Damages

16. The conduct of Defendants described above is outrageous. Defendants' conduct demonstrates a reckless disregard of Law and procedure and a conscious disregard for public interest. The acts and omissions described above were willful and performed with actual or implied malice. Punitive and exemplary damages are therefore appropriate and should be imposed in this instance.

V. PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully pray for a judgment against Defendants for:

1. Injunctive and equitable relief as the Court deems appropriate including:

Requiring Defendant return said vehicle to plaintiff;

Requiring Defendant to follow comply with MCL 257.252f and 4th amendment of the U.S constitution;

2. Compensatory damages to be paid by all Defendants, according to proof at trial;

3. Punitive damages as the court deems appropriate;

4. Costs and attorneys fees of this lawsuit, with interest;

5. Any other relief as the court deems appropriate.

/s/ LaDell Hammond
9316 Sarasota
Redford, Michigan 48239
Phone: 985.218.0095

DATED: JUNE 5, 2015